

**A RESOLUTION AUTHORIZING A LODGING TAX REBATE INCENTIVE FOR
96TH AND TOWER ROAD INC. AND REVIVING AND AMENDING THE
LODGING TAX REBATE INCENTIVE AGREEMENT WITH 96TH AND
TOWER ROAD INC.**

NO. 2025-124

WHEREAS, the City Council of the City of Commerce City (“City Council”), by Resolution No. 2022-48, adopted the Commerce City Accommodations Lodging Tax Rebate Program (“Lodging Tax Program”), effective May 2, 2022;

WHEREAS, the City Council of the City of Commerce City (“City”) desires to attract new hotel developments to the City in order to improve the quality of life of the City’s residents, support local employer needs, create new employment opportunities, and attract a variety of other commercial development;

WHEREAS, 96th AND TOWER ROAD INC. (“Business”) is constructing a new 93-room limited service hotel on the southwest corner of East 96th Avenue and Tower Road, bringing an estimated room sales revenue of \$12.5 million, and estimated city tax revenue of \$1,062,500 over the first five years, and capital improvements of \$13.4 million (“Capital Improvements”);

WHEREAS, the location of a hotel will help to generate additional retail growth in the area and provide lodging options in the City and the region;

WHEREAS, City Council previously authorized an incentive agreement for the Business pursuant to Resolution 2022-105 (“Prior Resolution”) and the City entered into an Incentive Agreement with the Business on December 18, 2023 (“Incentive Agreement”); and

WHEREAS, the authorization provided in the Prior Resolution expired because the Business was unable to satisfy the conditions contained therein by March 31, 2025.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Authorization of Lodging Tax Rebate Incentive. The Lodging Tax Rebate Incentive for the Business in an amount not to exceed \$250,000 is hereby approved.

SECTION 2. Approval of Revival of Incentive Agreement. The revival of the Incentive Agreement is hereby approved.

SECTION 3. Approval of First Amendment to Incentive Agreement. The First Amendment to the Incentive Agreement (“First Amendment”) is hereby approved, subject to successful finalization of an appropriate contract amendment on terms acceptable to the City Manager. This resolution shall not be deemed to grant any right or interest in the award of a

contract to Business. All rights and interests shall be defined exclusively by the terms and conditions set forth in the written contract.

SECTION 4. Authorization to Negotiate. The City Manager is hereby authorized to negotiate and finalize the details of the First Amendment, including payment terms, and any amendment thereto.

SECTION 5. Execution and Attestation. Upon successful finalization of the First Amendment and approval as to form by the City Attorney, the City Manager is hereby authorized to execute, and the City Clerk to attest, the First Amendment or any additional amendments to the Incentive Agreement to on behalf of the City.

RESOLVED AND PASSED THIS 18TH DAY OF AUGUST 2025.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk