

NCSPHS AMENDMENT

The Neighborhoods, Community Services, Public Health and Safety Committee offers the following amendment to File No. 2023-345:

- (1) On **page 1, line 11**, after "TO" **insert** "ESTABLISH A RECOMMENCEMENT OF CONSTRUCTION DATE AND";
- (2) On **page 1, line 13**, **strike** "SEPTEMBER 30, 2023" and **insert** "ONE YEAR AFTER THE RECOMMENCEMENT OF CONSTRUCTION DATE";
- (3) On **page 2, line 17½**, **insert** new Whereas clauses to read as follows:

"WHEREAS, subsequent to DIA approval of the aforementioned extension to the Building Improvements Completion Date, the Developer became aware that a number of liens were recorded that encumber title to various parcels owned by the Developer and related entities, including the parcel upon which the Ambassador Hotel is located; and

WHEREAS, the existence of said liens, and the pending litigation arising from those liens, has precluded the Developer from continuing with construction of the improvements in accordance with the Second Amended and Restated Redevelopment Agreement and the extended timeframes originally proposed pursuant to this legislation which have now lapsed; and

WHEREAS, the Developer has requested that a recommencement of construction date be established and that a further extension of the Building Improvements Completion Date be granted to allow additional time to resolve the outstanding liens; and

WHEREAS, on November 15, 2023, the DIA considered this request and approved Resolution 2023-11-03, attached hereto as **Exhibit 2**, recommending the City Council revise the Performance Schedule contained in the Second Amended and Restated Redevelopment Agreement to establish a deadline for recommencement of construction to occur 90 days following the effective date of this legislation (the "Recommencement of Construction Date") and to extend the Building Improvements Completion Date from June 30, 2023, to one year following the Recommencement of Construction Date without the possibility of further extensions except by Council action; and";

- (4) On **page 2, line 30, strike "On File" and insert "Revised On File"**;
- (5) On **page 3, lines 1-3, strike "by extending the Building Improvements Completion Date from June 30, 2023 to September 30, 2023" and insert "to establish a Recommencement of Construction Date that requires the Developer to enter into a contract with a new general contractor for construction and completion of the Building Improvements and for on-site work by that general contractor to commence on or before 90 days after the effective date of this legislation, and to extend the Building Improvements Completion Date to one year after the Recommencement of Construction Date"**;
- (6) Attach **Exhibit 2**, attached hereto, which attaches DIA Resolution 2023-11-03 dated November 15, 2023;
- (7) Remove **On File** and replace with **Revised On File**, attached hereto, which attaches the revised Amendment One to the Second Amended and Restated Redevelopment Agreement to reflect the

Recommencement of Construction Date and the extension to the Building Improvements Completion Date;

- (8) On **page 1, line 1**, amend the introductory sentence to add that the bill was amended as reflected herein.

Form Approved:

 /s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Mary E. Staffopoulos

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