

INTRODUCED: April 25, 2016

AN ORDINANCE No. 2016-135

To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to execute a Sixth Amendment to the Agreement for the Provision of Services in the Downtown Richmond Special Service and Assessment Districts between the City of Richmond and Venture Richmond, Inc., for the purpose of extending the term of the agreement to June 30, 2021.

Patron – Ms. Graziano

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 23 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Chief Administrative Officer, for and on behalf of the City of Richmond, be and is hereby authorized to execute a Sixth Amendment to the Agreement for the Provision of Services in the Downtown Richmond Special Service and Assessment Districts between the City of Richmond and Venture Richmond, Inc., for the purpose of extending the term of the agreement to June 30, 2021. The Sixth Amendment shall be approved as to form by the City Attorney and shall be substantially in the form of the document attached to this ordinance.

§ 2. This ordinance shall be in force and effect upon adoption.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAY 23 2016 REJECTED: _____ STRICKEN: _____



Richmond City Council

The Voice of the People

Richmond, Virginia

Lou Brown Ali
Council Chief of Staff

Office of the Council Chief of Staff

Council Ordinance/Resolution Request

TO Allen L. Jackson, Richmond City Attorney

THROUGH Lou Brown Ali, Council Chief of Staff *V. Jones for Lou Brown Ali*

FROM Joyce L. Davis, Council Policy Analyst
Office of the Council Chief of Staff *JLD*

COPY Kathy Graziano, 4th District Council member
Haskell Brown, Deputy City Attorney
Vincent Jones, Deputy Council Chief of Staff
Tim Grimes, 4th District Liaison

DATE April 21, 2016

PAGE/s 1 of 2

TITLE: Sixth Amendment to the Agreement for the Provision of Services in the
Downtown Richmond Special Service and Assessment Districts

RECEIVED

APR 21 2016

OFFICE OF CITY ATTORNEY

This is a request for the drafting of an **Ordinance** ☒ **Resolution** ☐

REQUESTING COUNCILMEMBER/PATRON

Council member Kathy Graziano

SUGGESTED STANDING COMMITTEE

Finance Committee

ORDINANCE/RESOLUTION SUMMARY

Ordinance to execute a Sixth Amendment to the Agreement for the Provision of Services in the Downtown Richmond Special Service and Assessment Districts concerning the extension of the term of the agreement to June 30, 2021 and the modification of the scope of services.

BACKGROUND

This request for an Ordinance is to execute a Sixth Amendment to the Agreement for the Provision of Services in the Downtown Richmond Special Service and Assessment Districts concerning the extension of the term of the agreement from July 1, 2016 to June 30, 2021.

By agreement since December 1996, the City of Richmond and Richmond Renaissance agreed that Richmond Renaissance would render certain services in the Downtown Richmond Special Service and Assessment Districts created by Ordinance No. 90-82-81 and the City would fund such services out of special real estate tax assessments. Since that time there has been a First, Second Third, Fourth and Fifth Amendment (Ord. 2011-121-125) to the Agreement to extend the term of the Agreement and to modify the

scope of services.

The City and Venture Richmond desire to enter into this Sixth Amendment to extend the term of agreement and to otherwise modify and amend the Agreement.

FISCAL IMPACT STATEMENT

Fiscal Impact Yes ☒ No ☐
Budget Amendment Required Yes ☐ No ☒
Estimated Cost or Revenue Impact

Attachment/s Yes ☒ No ☐

Richmond City Council Ordinance/Resolution Request Form/updated 12.22.08/srs

**SIXTH AMENDMENT TO THE AGREEMENT
FOR THE PROVISION OF SERVICES
IN THE DOWNTOWN RICHMOND SPECIAL SERVICE
AND ASSESSMENT DISTRICTS**

THIS SIXTH AMENDMENT TO THE AGREEMENT FOR THE PROVISION OF SERVICES IN THE DOWNTOWN RICHMOND SPECIAL SERVICE AND ASSESSMENT DISTRICTS ("Sixth Amendment") is made as of the ____ day of _____, 2016 between the CITY OF RICHMOND, VIRGINIA (the "City") and VENTURE RICHMOND, INC., a Virginia non-stock corporation ("VR").

RECITALS

A. The City and Richmond Renaissance (predecessor to VR) entered into that certain Agreement for the Provision of Services in the Downtown Richmond Special Service and Assessment Districts dated December 31, 1996 (the "Original Agreement"), as amended by that certain First Amendment to the Agreement dated November 1, 1997 (the "First Amendment"), that certain Second Amendment to the Agreement dated May 8, 2000 (the "Second Amendment"), that certain Third Amendment to the Agreement dated June 30, 2001 (the "Third Amendment"), and that certain Fourth Amendment to the Agreement dated June 26, 2006 (the "Fourth Amendment").

B. By Ordinance No. 2011-121-125, adopted June 27, 2011, the City Council of the City of Richmond authorized the execution by the City of a certain Fifth Amendment to the Agreement (the "Fifth Amendment") that provided for a term of the Agreement commencing July 1, 2011, and continuing until June 30, 2016, and made other amendments to the Agreement.

C. The City and VR have since July 1, 2011, proceeded in all respects as though the Fifth Amendment has been in full force and effect; however, neither the City nor VR has a fully executed copy of the Fifth Amendment in its custody or possession.

D. The Original Agreement, the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment and the Fifth Amendment are collectively referred to herein as the "Agreement".

E. The City and VR desire to enter into this Sixth Amendment to ratify, to the extent necessary, all acts performed by the City and VR in accordance with the Fifth Amendment and to extend the term of the Agreement as more particularly set forth herein.

NOW, THEREFORE, in consideration of the promises and the mutual covenants set forth below, the parties hereto agree as follows:

1. For purposes of this Sixth Amendment, except as otherwise expressly provided or unless the context otherwise requires, all capitalized terms used herein shall have the meaning ascribed thereto in the Agreement.

2. All acts performed by the City and VR in accordance with the Agreement from July 1, 2011, through June 30, 2016, are hereby ratified to the extent necessary.

3. Section 2 of the Agreement entitled "Term of Agreement" is hereby deleted and is restated in its entirety as follows:

2. Term of Agreement. This Agreement shall commence July 1, 2016 and unless terminated earlier in accordance with the provisions herein shall continue until June 30, 2021.

4. Unless otherwise amended or restated in this Sixth Amendment, the terms and provisions of the Agreement shall remain in full force and effect.

5. This Sixth Amendment shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

6. This Sixth Amendment may be executed in counterparts, which collectively constitute one instrument.

[Signatures follow on next pages.]

IN WITNESS WHEREOF, the parties have caused this Sixth Amendment to be executed as of the date first written above.

Approved as to form

By: _____
Title: City Attorney

CITY OF RICHMOND

By: _____
Title: Chief Administrative Officer

VENTURE RICHMOND, INC.

By: _____
Title: Executive Director