

# City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

ORDIN: downcity

## CHAPTER 1998-31

### No. 368 **AN ORDINANCE** ESTABLISHING A TAX STABILIZATION PLAN FOR THE DOWNCITY CINEMA

*Approved* July 10, 1998

***Be it ordained by the City of Providence:***

WHEREAS, Section 21-169 of the Code of Ordinances of the City of Providence grants authority to the City Council, pursuant to Section 44-3-9 of the General Laws of the State of Rhode Island, as amended, to exempt property used for industrial, commercial or residential purposes from the payment of property tax if the granting of the exemption meets certain conditions set forth in said Section of the Ordinance; and

WHEREAS, Downcity Cinema, LLC is the developer of a certain cinema complex in the City's Arts and Entertainment District (the "Project") to be located on a parcel of land situated at the corner of Washington and Mathewson Streets; and

WHEREAS, Downcity Cinema, LLC has made application under, and has satisfied each condition of the above mentioned Ordinance for the benefit of the Project and the Property; and

WHEREAS, the Project will increase the tax base of the City, will increase employment opportunity in the City and provide an added attraction to the Arts and Entertainment District; and

WHEREAS, it is in the interest of the residents of the City of Providence to grant such an exemption to induce the development and construction of the Project in the City, and such exemption will inure to the benefit of the City;

**Be It Ordained by the City of Providence:**

SECTION 1. That the findings set forth in the preceding WHEREAS  
Clauses are hereby made and confirmed.

No.

**CHAPTER**

**AN ORDINANCE**

IN CITY COUNCIL  
MAY 7 1998

FIRST READING  
REFERRED TO COMMITTEE ON  
FINANCE

Michael R. Clement CLERK

THE COMMITTEE ON

Finance

Recommends

Claire E. Bestwick Clerk

June 3, 1998

June 3, 1998 Public Hearing

THE COMMITTEE ON  
FINANCE

Approves Passage of  
The Within Ordinance, as amended

Claire E. Bestwick Clerk  
June 11, 1998

Councilman Lombardi

SECTION 2. As long as Downcity Cinema, LLC owns or operates the Project, it will continue to pay taxes on the Property in accordance with the terms hereof. Downcity Cinema, LLC, its successors and assigns, agrees that the Property will be subject to taxation at the expiration of this tax treaty. Downcity Cinema, LLC also agrees not to transfer the Property to a tax-exempt entity or to allow any transfer by any subsequent transferee to a tax-exempt entity during the term of the tax treaty. Downcity Cinema, LLC is also required, as a condition precedent to this tax treaty, to record notice of the requirement that the Property be transferred only to a tax-paying entity, as set forth herein, in the Land Evidence Records of the City of Providence. In the event that the Property is transferred to a tax-exempt entity in violation of the provisions hereof, whether by Downcity Cinema, LLC or any subsequent transferee of the property, Downcity Cinema, LLC will be responsible to make payments in lieu of taxes to the City of Providence equal to the amount of taxes which would have been paid to the City of Providence hereunder if such prohibition against transfer to a tax-exempt entity had not been violated. Notwithstanding anything to the contrary herein, the provisions of this Section 2 shall continue to be given full force and effect until such time as the same shall be amended or terminated by majority vote of the City Council of Providence.

SECTION 3. It shall be the goal of Downcity Cinema, LLC to award to Minority Business Enterprises as defined in Rhode Island General Laws, Section 37-14.1 ("MBE Act") no less than 10% of the dollar value of the construction costs for the Project (as determined in accordance with the rules and regulations promulgated pursuant to the MBE act). It shall be Downcity Cinema, LLC's further goal to award to woman business enterprises (WBE) no less than 10% of the dollar value of the construction costs for the project (as determined in accordance with Section 21-52 of the Code of Ordinances of the City of Providence). It shall be a further goal of Downcity Cinema, LLC to achieve a minimum level of 10% for minority and 10% for female employment.

SECTION 4. In making employment decisions for the Project, Downcity Cinema, LLC shall give preferential consideration to qualified employees/applicants who reside in Providence. The parties agree that in addition to any work force which may be employed by Downcity Cinema, LLC, the company which operates the cinema complex pursuant to a lease with Downcity

Cinema, LLC will employ a minimum of seven (7) additional persons in the City of Providence.

SECTION 5. The schedule listed below is based upon information provided to the Tax Assessor by Downcity Cinema, LLC including, but not limited to, estimated construction costs. In the event any of this information is inaccurate or proves to be erroneous, this treaty shall be modified to reflect the accurate information.

SECTION 6. This treaty is conditioned upon Downcity Cinema, LLC owing no back taxes to the City of Providence or remaining current on a payment plan approved by the Tax Collector. Failure to make said timely payments may render this treaty null and void at the sole discretion of the City of Providence. The treaty being rendered null and void would require the owner to pay all taxes and fees as due and owing as if no treaty had been approved.

SECTION 7. The Project shall have no less than 900 seats and be located on the corner of Washington and Mathewson Streets in the City of Providence. The Project shall contain at least five (5) screens, one of which shall be built with a stage area of approximately 30 feet in depth and 45 feet in width and shall: (i) also contain a stage, lighting and sound equipment for live theater, music and dance productions, (ii) contain approximately 200 seats, and (iii) be available for use by the City of Providence Film Commission and other film, arts and community theater organizations, with preference for such use being given to film, arts and community theater organizations which are based in the City of Providence. The cinema operator shall designate one of its employees to act as a liaison/scheduler for the use of said community theater by interested organizations. The Project shall also contain a coffee shop within the building. The Project shall be built in accordance with plans approved by the Downcity Design Review Committee. The movie cinema shall run new releases, classics, independent and arts films. The interior shall be similar to the plans attached as Exhibit "B", except that the stage depth shall approximately be 30 feet.

SECTION 8. The cinema operator's lease for the Project shall include a twenty-five (25) year operating covenant which will be coextensive with the operating covenant in the cinema operator's lease for the Providence Place Mall Cinema. This will ensure that the Downcity Cinema and the Providence Place Mall Cinema, operated by the same company, will run concurrently throughout the terms of the two leases.

SECTION 9. The taxes to be paid annually under this treaty shall be equal to the amounts set forth on the attached Exhibit "A."

SECTION 10. Construction of the Project will be completed on or before October 20, 1998 pursuant to the terms of the Ordinance establishing a tax stabilization plan for the Providence Place Mall passed January 10, 1996.

SECTION 11. The City, in accordance with Section 44-3-9 of the Rhode Island General Laws and Section 21-169 of the Code of Ordinances for the City of Providence, is hereby authorized to grant an exemption from the assessed valuation for tax purposes as of December 31, 1998 up to and including December 31, 2007 to Downcity Cinema, LLC for the Property as provided in the above-mentioned Ordinance and in accordance with the schedule in Exhibit "A."

SECTION 12. To the extent that this Ordinance is specifically inconsistent with the terms, provisions and conditions of that certain Tax Stabilization Ordinance dated January 10, 1996 and/or that certain related Tax Treaty Agreement dated October 22, 1996, the terms, provisions and conditions of this Ordinance shall control. However, otherwise all terms, provisions and conditions of the Tax Stabilization Ordinance dated January 10, 1996 shall control, including but not limited to, Section 7 of said Ordinance dated January 10, 1996.

SECTION 13. This Ordinance shall take effect upon its passage.

IN CITY COUNCIL  
JUN 18 1998  
FIRST READING  
READ AND PASSED  
*Michael L. Clement*  
CLERK

IN CITY  
COUNCIL  
JUL 2 1998  
FINAL READING  
READ AND PASSED  
*Evelyn V. Fargnoli*  
PRESIDENT  
*Jim M. Conalone*  
CLERK

APPROVED  
JUL 10 1998  
*Vincent A. Cianci*  
MAYOR

Copy

CITY OF PROVIDENCE, RHODE ISLAND  
APPLICATION REQUESTING  
TAX STABILIZATION FOR COMMERCIAL / INDUSTRIAL PROPERTIES  
ACCORDING TO  
CHAPTER 21 OF THE CODE ORDINANCES AS AMENDED

PAY OF NON-REFUNDABLE APPLICATION FEE  
MUST ACCOMPANY APPLICATION ACCORDING TO  
THE FOLLOWING SCHEDULE :  
\$150.00 FOR PERMIT UP TO - \$250,000 (COM/IND)  
\$225.00 FOR PERMIT FROM \$251,000 - \$750,000  
\$300.00 FOR PERMIT OVER - \$751,000  
\$200.00 FOR COMPUTER/TELEPHONE  
.001% OF EST. CONSTRUCTION COSTS (RESIDENTIAL)

DATE April 28, 1998

- |  |  |
|--|--|
| 1. NAME & ADDRESS OF APPLICANT<br>(IF CORPORATION/PARTNERSHIP,<br>GIVE NAME & TITLE OF CEO FILING<br>APPLICATION). | <u>Downcity Cinema, LLC</u><br><u>c/o Commonwealth Development Group</u><br><u>30 Exchange Terrace</u><br><u>Providence, RI 02903</u><br><u>J. Daniel Lugosch, Managing Member</u> |
| 2. IF APPLICANT IS LESSEE. GIVE<br>NAME AND ADDRESS OF OWNER<br>AND SPECIFIC TERMS OF LEASE                        | <u>N/A</u><br><u></u><br><u></u><br><u></u><br><u></u>   |
| 3. LOCATION OF PROPERTY  | <u>93 Washington Street</u>  |
| 4. ASSESSOR'S PLAT AND LOT   | <u>25 / 447</u>  |
| 5. DATE & PURCHASE PRICE OF<br>EXISTING PROPERTY   | <u>Anticipated closing date 5/15/98</u><br><u>\$1,800,000</u>  |
| 6. COST & PROJECTED DATE OF<br>ADDITIONAL PROPERTY TO BE<br>PURCHASED FOR THIS<br>EXPANSION PROJECT                | <u>N/A</u><br><u></u>  |

7. ESTIMATED COST OF EXPANSION/ \$3,000,000  
RENOVATION. (ATTACH EVIDENCE  
SUPPORTING SUCH FIGURE: COP 2 Story theater containing 6 screens  
OF BIDS, CONSTRUCTION CONTRACT, and approximately 1,050 seats. Facility  
ARCHITECT'S CERTIFICATION). GIVE will also have a Cafe area. Total square  
DETAILS AS TO SCOPE OF PROJECT footage of building footprint to be 17,900.  
TO BE UNDERTAKEN--# OF STORIES  
TYPE OF CONSTRUCTION, TOTAL  
SQ. FT. ETC.)

8. DESCRIBE EXISTING FACILITY:

# OF STORIES Lot is currently used as a parking lot.  
# OF SQ. FT./ FLOOR \_\_\_\_\_  
AGE OF BUILDING(S) \_\_\_\_\_  
TYPE OF CONSTRUCTION \_\_\_\_\_  
INTERIOR CONDITION \_\_\_\_\_  
EXTERIOR CONDITION \_\_\_\_\_

9. APPLICATION IS MADE UNDER THE x a. locate in City of Providence  
PROVISION OF THE ORDINANCE \_\_\_\_\_ b. replace section of premises  
FOR THE FOLLOWING REASON(S) \_\_\_\_\_ d. expand building  
(CHECK ONE OR MORE) \_\_\_\_\_ e. remodel facility  
\_\_\_\_\_ x f. construct new building (s)  
\_\_\_\_\_ g. computer/telephone  
\_\_\_\_\_ h. other

10. WILL PROPOSED CONSTRUCTION/ YES x NO \_\_\_\_\_  
ALTERATION INCREASE THE  
EMPLOYMENT AT YOUR COMPANY \_\_\_\_\_

IF YES, GIVE ESTIMATE AS TO Approximately 15-20 people to staff and  
NEW POSITIONS TO BE CREATED operate the facility.  
AND JUSTIFICATION FOR SAME

11. WILL THE PROPOSED ALTERATION/ YES \_\_\_\_\_ NO x  
CONSTRUCTION CAUSE ANY OTHER  
FACILITY TO CLOSE? \_\_\_\_\_

12. WILL CONSTRUCTION/ALTERATION YES x NO \_\_\_\_\_  
REQUIRE PURCHASE OF ADDITIONAL  
FURNITURE/FIXTURES/EQUIPMENT? All furniture and equipment will be  
IF YES, GIVE DETAILS AS TO NUMBER purchased by the theater operator.  
AND TYPE TO BE PURCHASED

13. CONSTRUCTION SHALL BEGIN \_\_\_\_\_  
 ANTICIPATED THAT CONSTRUCTION SHALL BE COMPLETED \_\_\_\_\_

14. ARE ALTERATIONS/CONSTRUCTION YES \_\_\_\_\_ NO \_\_\_\_\_  
 PLANS PERMITTED UNDER THE  
 PRESENT ZONING;

IF NO, PLEASE ADVISE AS TO \_\_\_\_\_  
 WHETHER APPLICATION HAS BEEN \_\_\_\_\_  
 OR WILL BE FILED WITH ZONING \_\_\_\_\_  
 BOARD OF REVIEW.

HAS HEARING BEEN SCHEDULED? \_\_\_\_\_

IT IS THE UNDERSTANDING OF THE APPLICANT(S) THAT THE EXEMPTION, IF APPROVED, IS APPLICABLE ONLY TO COMMERCIAL/ INDUSTRIAL CONCERNS WHO WISH TO LOCATE IN THE CITY, OR WHO WISH TO REPLACE, RECONSTRUCT, EXPAND OR REMODEL CURRENT FACILITIES; THAT MEET THE APPROVAL OF THE BUILDING INSPECTOR; THAT ALL CURRENT AND PAST TAXES DUE BY THE APPLICANT(S) MUST BE PAID IN FULL; THAT THE EXEMPTION WOULD BE ATTRIBUTABLE ONLY TO THAT PORTION OF THE ASSESSMENT ATTRIBUTABLE TO THIS CONSTRUCTION / RENOVATION; THAT THE EXEMPTION MAY BE REVOKED IN THE EVENT OF FRAUD OR MISREPRESENTATION BY THE APPLICANT(S).

  
 \_\_\_\_\_  
 SIGNATURE OF APPLICANT

  
 \_\_\_\_\_  
 WITNESS

30 Exchange Terrace  
 \_\_\_\_\_  
 ADDRESS

5/29/98  
 \_\_\_\_\_  
 DATE

may 29<sup>th</sup> 1998  
 \_\_\_\_\_  
 DATE



DOWNCITY CINEMA, LLC  
30 EXCHANGE TERRACE  
PROVIDENCE, RHODE ISLAND 02903



FLEET BANK OF MA, N.A.  
BOSTON, MA 02109

NUMBER

1018

5-13/110

DATE

04-28-98

\$

\*\*\*\*\*300.00

PAY

THE SUM Three Hundred and 00/100

TO THE  
ORDER OF CITY OF PROVIDENCE

AUTHORIZED SIGNATURE

⑈001018⑈ ⑆011000138⑆ 94065 41617⑈

	A	B	C	D	E	F
1	Year #	%Abated	Date	Taxes Pd.	Assessment Abated	Taxes Abated
2						
3	1	90%	12/31/96	22,844.06	4,300,200	137,563
4	2	80%	12/31/97	30,570	3,822,400	122,279
5	3	70%	12/31/98	45,854	3,344,600	106,994
6	4	60%	12/31/99	61,139	2,866,800	91,709
7	5	50%	12/31/00	76,424	2,389,000	76,424
8	6	40%	12/31/01	91,709	1,911,200	61,139
9	7	30%	12/31/02	106,994	1,433,400	45,854
10	8	20%	12/31/03	122,279	955,600	30,570
11	9	10%	12/31/04	137,563	477,800	15,285
12	10	0%	12/31/05	152,848		
13						
14						
15	Totals			848,224.06	21,501,000	687,817
16						
17	Total Assessment	\$4,778,000.00		,		

ANTHONY E. ANNARINO  
CITY COLLECTOR



VINCENT A. CIANCI, JR.  
MAYOR

## FINANCE DEPARTMENT

### CITY COLLECTOR

DATE: June 18, 1998

TO: Councilwoman Patricia Nolan  
Chairwoman, City Council Finance Committee

FROM: Anthony E. Annarino  
City Collector

A handwritten signature in cursive script, appearing to read "Anthony E. Annarino".

RE: Downcity Cinema, LLC

The City Collector has reviewed the city tax records and has certified the above referenced Downcity Cinema, LLC owes no back taxes to the City Of Providence.

MUNICIPAL LIEN CERTIFICATE  
CITY OF PROVIDENCE - OFFICE OF THE COLLECTOR  
CITY HALL PROVIDENCE, R.I. 02903 (401) 331-5252

DATE	PLAT	LOT	UNIT	LOCATION	CERT#	PAGE
JUN 12 1998	25	447	0000	93 WASHINGTON	17052	1

Assessed THE PROVIDENCE JOURNAL CO \*  
Owner PROVIDENCE JOURNAL CO

STATUS OF REAL ESTATE AND PERSONAL PROPERTY BILLS AS OF DATE PRINTED

YR	BILL NUMBER	TYPE	ORIGINAL TAX	AMOUNT PAID	BALANCE DUE	INTEREST	BILL NAME
97	02504470000	REAL	47,287.62	47,287.62	0.00	0.00	THE PROVIDENCE JOU
			47,287.62	47,287.62	0.00	0.00	

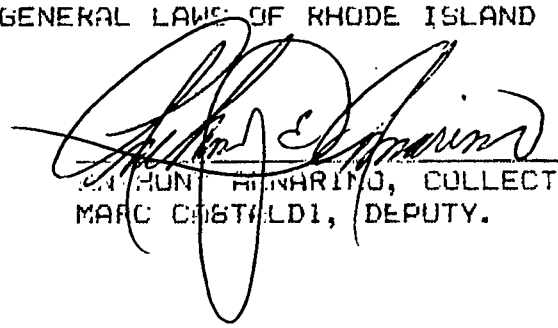
OTHER OUTSTANDING ITEMS:

PLEASE CONTACT THE WATER SUPPLY BOARD AT 521-6300  
PLEASE CONTACT THE NARRAGANSETT BAY COMMISSION AT 277-6665

CERTIFICATION

THIS IS TO CERTIFY THAT THE ABOVE IS TRUE AND CORRECT, SAID CERTIFICATION  
BEING GIVEN IN ACCORDANCE WITH 44-7-11 OF THE GENERAL LAWS OF RHODE ISLAND  
1956, AS OF THE DATE PRINTED ABOVE.

MAILED TO: XX  
XX  
XX

  
MARC CASTALDI, DEPUTY.

MUNICIPAL LIEN CERTIFICATE  
CITY OF PROVIDENCE - OFFICE OF THE COLLECTOR  
CITY HALL PROVIDENCE, R.I. 02903 (401) 331-5252

DATE	PLAT	LOT	UNIT	LOCATION	CERT#	PAGE
JUN 12 1998	25	447	0000	93 WASHINGTON	17052	1

Assessed THE PROVIDENCE JOURNAL CO  
Owner PROVIDENCE JOURNAL CO

\*

STATUS OF REAL ESTATE AND PERSONAL PROPERTY BILLS AS OF DATE PRINTED

PR BILL NUMBER	TYPE	ORIGINAL TAX	AMOUNT PAID	BALANCE DUE	INTEREST	BILL NAME
97 02504470000	REAL	47,287.62	47,287.62	0.00	0.00	THE PROVIDENCE JOU
		47,287.62	47,287.62	0.00	0.00	

OTHER OUTSTANDING ITEMS:

PLEASE CONTACT THE WATER SUPPLY BOARD AT 521-6300  
PLEASE CONTACT THE NARRAGANSETT BAY COMMISSION AT 277-6665

C E R T I F I C A T I O N

=====

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1956, AS OF THE DATE PRINTED ABOVE.

MAILED TO: XX  
XX  
XX

ANTHONY ANNARINO, COLLECTOR  
MARC CASTALDI, DEPUTY.

7/13/98 04:29

**MUNICIPAL LIEN CERTIFICATE**  
**CITY OF PROVIDENCE - OFFICE OF THE COLLECTOR**  
**CITY HALL PROVIDENCE, R.I. 02903 (401) 331-5252**

DATE	PLAT	LOT	UNIT	LOCATION	CERT#	PAGE
JUN 12 1998	25	447	0000	93 WASHINGTON	17052	1

Assessed Owner THE PROVIDENCE JOURNAL CO  
 PROVIDENCE JOURNAL CO

\*

**STATUS OF REAL ESTATE AND PERSONAL PROPERTY BILLS AS OF DATE PRINTED**

BILL NUMBER	TYPE	ORIGINAL TAX	AMOUNT PAID	BALANCE DUE	INTEREST	BILL NAME
97 02504470000	REAL	47,287.62	47,287.62	0.00	0.00	THE PROVIDENCE JOU
		47,287.62	47,287.62	0.00	0.00	

OTHER OUTSTANDING ITEMS:

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**C E R T I F I C A T I O N**  
 =====

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 BEING GIVEN IN ACCORDANCE WITH 44-7-11 OF THE GENERAL LAWS OF RHODE ISLAND  
 1956, AS OF THE DATE PRINTED ABOVE.

MAILED TO: XX  
 XX  
 XX

ANTHONY ANNARINO, COLLECTOR  
 MARC CASTALDI, DEPUTY.

PROVIDENCE R.I.  
 JUN 15 3 58 PM '98

**ELI**

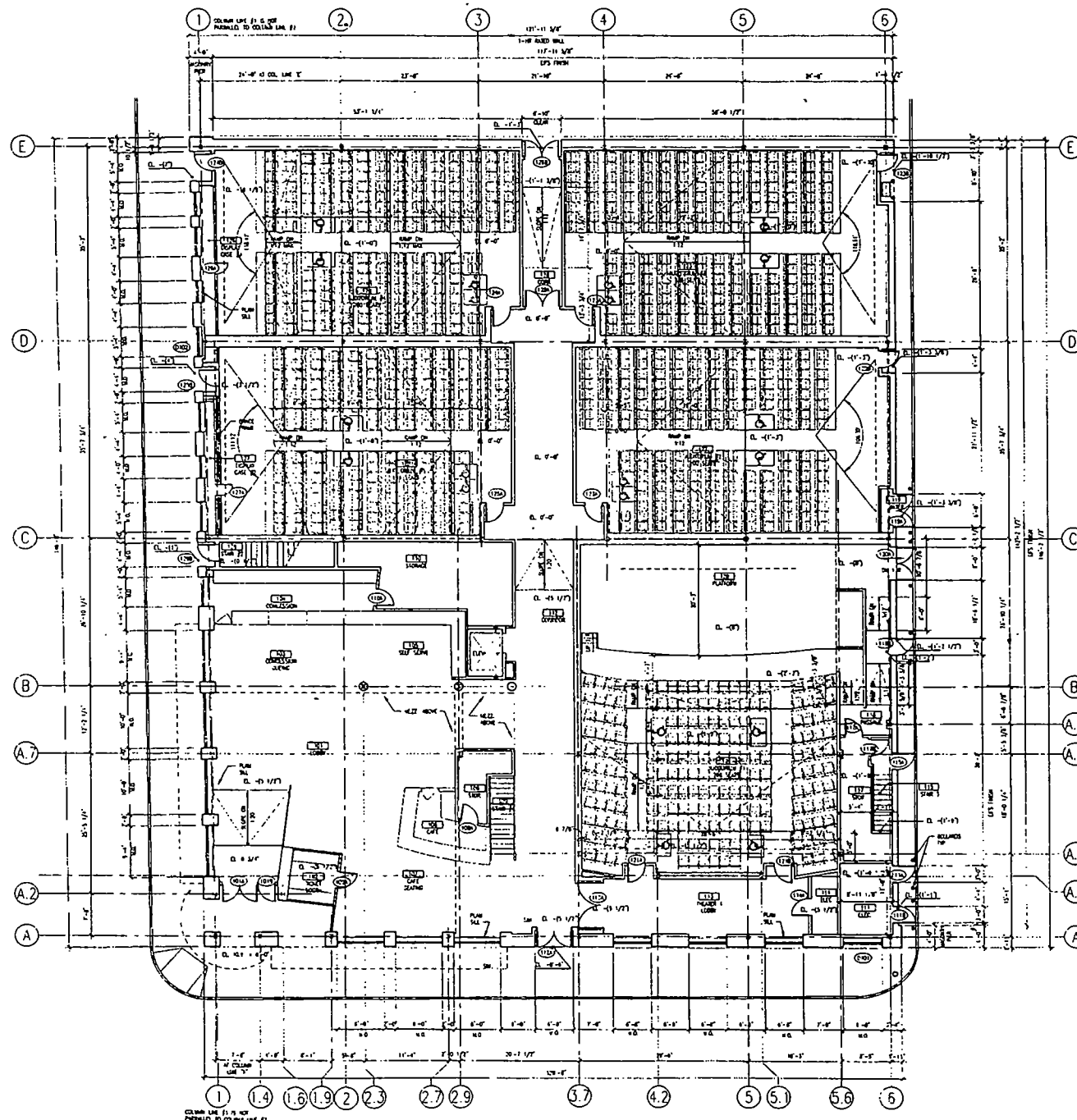
**FILED**

JUN 12 3 26 PM '98

DEPT. OF CITY CLERK  
PROVIDENCE, R. I.

	A	B	C	D	E	F
1	Year #	% Abated	Date	Taxes Pd.	Assessment Abated	Taxes Abated
2						
3	1	90%	12/31/1998*	\$ 22,843	\$ -	\$ -
4	2	80%	12/31/99	\$ 30,570	\$ 3,822,400	\$ 122,279
5	3	70%	12/31/00	\$ 45,854	\$ 3,344,600	\$ 106,994
6	4	60%	12/31/01	\$ 61,139	\$ 2,866,800	\$ 91,709
7	5	50%	12/31/02	\$ 76,424	\$ 2,389,000	\$ 76,424
8	6	40%	12/31/03	\$ 91,709	\$ 1,911,200	\$ 61,139
9	7	30%	12/31/04	\$ 106,994	\$ 1,433,400	\$ 45,854
10	8	20%	12/31/05	\$ 122,279	\$ 955,600	\$ 30,570
11	9	10%	12/31/06	\$ 137,563	\$ 477,800	\$ 15,285
12	10	0%	12/31/07	\$ 152,848	\$ -	\$ -
13						
14						
15	Totals			\$ 848,223	\$ 17,200,800	\$ 550,254
16						
17	Total Assessment	\$ 4,778,000.00				
18						
19	* Actual taxes due from parcel if no Tax Stabilization plan in place, no abatement in Year One					





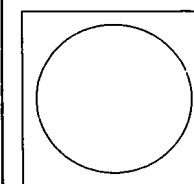
GENERAL NOTES:

KEYNOTES:  
 0500.01 STEEL BOLLARD - 6" DIA. CONE FILLED  
 15400.12 GAS METER

OFFICE  
 DOWNCITY CINEMA, LLC  
 A PROJECT OF  
 COMMONWEALTH DEVELOPMENT GROUP

DOWNCITY  
 CINEMA  
 PROVIDENCE, RI

CONSTRUCTION  
 DOCUMENTS



arrowstreet inc

Architects  
 Planners  
 Urban Designers

212 Elm Street  
 Somerville, MA 02144  
 617.623.5555

Project No: 98008  
 Drawn By: MYL  
 Checked By: KL  
 Issue Date: JUNE 3, 1998

Revisions		
No.	Date	Description

Drawing Title:  
 FIRST  
 FLOOR PLAN

Drawing Number

A2.1

FIRST FLOOR PLAN  
 1/1" = 1'-0"



Drawing Number  
**A2.2**

