

**RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF  
COMMERCE CITY AND ZAK DIRT, INC. FOR EAST 104<sup>TH</sup> AVENUE  
IMPROVEMENTS PROJECT, PHASE 3B**

**NO. 2014-27**

WHEREAS, the City of Commerce City (the “City”) and the City of Commerce City Northern Infrastructure General Improvement District (“the NIGID”) have engaged in a long-term public improvements project to widen and improve East 104<sup>th</sup> Avenue (the “Project”) within the City, the funding for which was approved by a 2005 vote of NIGID electors;

WHEREAS, the City is prepared to construct Phase 3B of the Project, which will improve and widen East 104<sup>th</sup> Avenue from Lima Street to US Highway 85 (“Phase 3B”);

WHEREAS, the City has engaged in a formal bidding process for a contractor to construct Phase 3B, has negotiated with the lowest responsible bidder, Zak Dirt, Inc. (the “Contractor”), and the has reached agreement with the Contractor as to the terms and conditions under which Contractor will construct Phase 3B;

WHEREAS, pursuant to the City Manager’s commitment to the City Council, all City contracts exceeding \$250,000.00 in value will be approved by the City Council; and

WHEREAS, the attached Agreement with the Contractor for the construction of East 104<sup>th</sup> Avenue Improvements, Phase 3B Project, Project No. 9062-11 (the “Agreement”), exceeds \$250,000.00.

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

1. The attached Agreement is hereby approved.
2. The Mayor and City Clerk are hereby authorized and directed to execute the Agreement by and on behalf of the City of Commerce City.

RESOLVED AND PASSED THIS 17<sup>TH</sup> DAY OF MARCH, 2014.

CITY OF COMMERCE CITY

\_\_\_\_\_  
Sean Ford, Mayor

ATTEST:

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Laura J. Bauer, CMC, City Clerk