

**RESOLUTION APPROVING CHANGE ORDER NO. 3 TO AGREEMENT  
BETWEEN THE CITY OF COMMERCE CITY AND ZAK DIRT, INC. FOR  
EAST 104<sup>TH</sup> AVENUE IMPROVEMENTS PROJECT, PHASE 3B**

**NO. 2014-64**

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 South Adams Water and Sanitation District (the “District”) is the holder of an easement adjacent to and crossing 104<sup>th</sup> Avenue in the Project area for the transportation of water to the District’s Tanabe surface water storage facility (the “Tanabe Irrigation Easement”);

WHEREAS, the City desires to add to the Project the construction of a pipeline to replace the Tanabe Irrigation Easement;

WHEREAS, the addition of the pipeline will increase by \$396,803.99 the price of the construction contract for East 104<sup>th</sup> Avenue Improvements, Phase 3B Project, Project No. 9062-11 (the “Agreement”);

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 Change Order No. 3, which adds to the Project the construction of the pipeline to replace the Tanabe Irrigation Easement, exceeds \$250,000.00 and therefore must be approved by the City Council prior to execution.

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

1. The attached Change Order No. 3 is hereby approved.
2. The City Manager is hereby authorized and directed to execute the attached Change Order No. 3 by and on behalf of the City of Commerce City.

RESOLVED AND PASSED THIS 2<sup>ND</sup> DAY OF JUNE, 2014.

CITY OF COMMERCE CITY

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Sean Ford, Mayor

ATTEST:

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Laura J. Bauer, CMC, City Clerk