

**A JOINT RESOLUTION APPROVING THE FIRST AMENDMENT TO THE  
INTERGOVERNMENTAL AGREEMENT FOR THE CONSTRUCTION OF THIRD  
CREEK WEST REGIONAL IMPROVEMENTS**

**NO. 22-68  
ECAGID NO. 22-02  
ERAGID NO. 22-02**

WHEREAS, the E-470 Commercial Area General Improvement District (“ECAGID”) and the E-470 Residential Area General Improvement District (“ERAGID”) (together, the “GIDs”) are public or quasi-municipal subdivisions of the State of Colorado and bodies corporate, duly and regularly created as general improvement districts under the Constitution and laws of the State, in particular the General Improvement District Act constituting Sections 31-25-601 et seq., C.R.S. (the “General Improvement District Act”), and pursuant to Ordinances of the City of Commerce City, Colorado (the “City”);

WHEREAS, the Districts were established to undertake the design, acquisition, construction, completion and installation of public improvements permitted pursuant to the General Improvement District Act, including, but not limited to, water, storm sewer, sanitary improvements within and without the boundaries of the Districts;

WHEREAS, Third Creek Metropolitan District No. 1 (“Third Creek”) is a quasi-municipal corporation and political subdivision of the State of Colorado and body corporate, duly and regularly created as a special district under the laws of the State of Colorado, in particular the Special District Act, C.R.S. §§ 32-1-101 et seq., and existing subject to the Consolidated Service Plan for Third Creek Metropolitan District Nos. 1-3;

WHEREAS, the GIDs have committed to fund certain regional improvements needed to serve development east of the E-470 Public Highway in the City’s current boundary and its future growth area, as detailed in that Annexation and Inclusion Agreement dated November 3, 2020, and amended as of April 6, 2021, related to the property known as Third Creek West in annexation cases AN-19-253 and AN-19-254 and inclusion cases ECAGID-012-19 and ERAGID-002-19;

WHEREAS, the Parties previously entered into an Intergovernmental Agreement for the Construction of Third Creek West Regional Improvements with an effective date of November 18, 2021 (the “Agreement”), pursuant to which the Parties set forth the terms for the design and construction of the Project (as defined in the Agreement) by Third Creek and the reimbursement of costs related thereto, and the GIDs’ administration of funds for the Project;

WHEREAS, capitalized terms not defined herein shall have the meanings given to them in the Agreement;

WHEREAS, Section 2.a. of the Agreement provides that substantial completion of the Project will be reached by December 31, 2023, and final acceptance will be reached by December 31, 2024;

WHEREAS, the Parties desire to extend the substantial completion and final acceptance dates established in the Agreement;

WHEREAS, pursuant to the Agreement, it may not be modified or amended except by written agreement of the Parties; accordingly, the Parties desire to amend the Agreement as set forth herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, THE BOARD OF DIRECTORS OF THE E-470 COMMERCIAL AREA GENERAL IMPROVEMENT DISTRICT, AND THE BOARD OF DIRECTORS OF THE E-470 RESIDENTIAL AREA GENERAL IMPROVEMENT DISTRICT AS FOLLOWS:**

**SECTION 1.** Findings. The recitals to this resolution are incorporated as findings of the City Council and the Boards of the GIDs. This resolution is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

**SECTION 2.** Approval. The Frist Amendment to the Intergovernmental Agreement, substantially in the form attached hereto as Exhibit A, is hereby approved and the Mayor and Chairperson and the Clerk and Secretary are hereby authorized and directed to execute and attest to the Intergovernmental Agreement on behalf of the City and the GIDs.

RESOLVED AND PASSED THIS 20TH DAY OF JUNE, 2022.

CITY OF COMMERCE CITY, COLORADO

---

Benjamin A. Huseman, Mayor

ATTEST

---

Dylan A. Gibson, City Clerk

E-470 COMMERCIAL AREA GENERAL  
IMPROVEMENT DISTRICT

---

Benjamin A. Huseman, Chair

ATTEST

---

Dylan A. Gibson, Secretary

E-470 RESIDENTIAL AREA GENERAL  
IMPROVEMENT DISTRICT

---

Benjamin A. Huseman, Chair

ATTEST

---

Dylan A. Gibson, Secretary