

## **FIRST AMENDMENT TERMINATING TOWER ROAD IMPROVEMENTS PROJECT FUNDING AGREEMENT**

THIS FIRST AMENDMENT TERMINATING TOWER ROAD IMPROVEMENTS PROJECT FUNDING AGREEMENT (“Amendment”) is made and entered into effective this \_\_\_\_ day of \_\_\_\_\_, 2016 (“Effective Date”), by and between the CITY OF COMMERCE CITY, a Colorado home rule municipality (“City”), the CITY OF COMMERCE CITY NORTHERN INFRASTRUCTURE GENERAL IMPROVEMENT DISTRICT, a general improvement district organized and existing under and by virtue of the laws of the State of Colorado (“NIGID”), the COMMERCE CITY E-470 COMMERCIAL AREA GENERAL IMPROVEMENT DISTRICT, a general improvement district organized and existing under and by virtue of the laws of the State of Colorado (“ECAGID”), and the COMMERCE CITY E-470 RESIDENTIAL AREA GENERAL IMPROVEMENT DISTRICT, a general improvement district organized and existing under and by virtue of the laws of the State of Colorado (“ERAGID”) (collectively, “Parties”), to terminate the Project Funding Agreement dated March 3, 2014 relating to the joint funding of certain improvements to Tower Road (“IGA”).

1. Termination. The Parties agree that the IGA is terminated as of the Effective Date of this Amendment. Each Party is absolved of any obligation to any other Party under the IGA.

2. Authority. The parties represent and warrant that they have taken all actions necessary to legally authorize the undersigned signatories to execute this Amendment on behalf of the parties and to bind the parties to its terms.

3. Counterparts; Execution. This Agreement may be executed in any number of counterparts, each deemed to be an original, and, taken together will constitute one and the same instrument. Signature pages may be executed via “wet” signature or electronic mark and the executed signature pages may be delivered using pdf or similar file type transmitted via electronic mail, cloud based server, e-signature technology or other similar electronic means.

4. Headings. Paragraph headings used in this Amendment are for convenience of reference and shall in no way control or affect the meaning or interpretation of any provision of this Amendment.

5. Entire Agreement. This Amendment contains the entire agreement of the parties relating to the subject matter of this Amendment. All prior and contemporaneous agreements and understandings, whether oral or written, are superseded by this Amendment and are without effect to vary or alter any terms or conditions of this Amendment.

**[Remainder of this page intentionally blank. Signature page(s) follow(s).]**

IN WITNESS WHEREOF, the parties have executed this Amendment as of the Effective Date.

**CITY OF COMMERCE CITY**

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Laura J. Bauer, MMC, City Clerk

\_\_\_\_\_  
City Attorney

**CITY OF COMMERCE CITY NORTHERN  
INFRASTRUCTURE GENERAL  
IMPROVEMENT DISTRICT**

\_\_\_\_\_  
Sean Ford, Chairperson

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Laura J. Bauer, MMC, City Clerk

\_\_\_\_\_  
Counsel

**COMMERCE CITY E-470 COMMERCIAL  
AREA GENERAL IMPROVEMENT DISTRICT**

\_\_\_\_\_  
Sean Ford, Chairperson

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Laura J. Bauer, MMC, Secretary

\_\_\_\_\_  
Counsel

**COMMERCE CITY E-470 RESIDENTIAL  
AREA GENERAL IMPROVEMENT DISTRICT**

\_\_\_\_\_  
Sean Ford, Chairperson

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Laura J. Bauer, MMC, Secretary

\_\_\_\_\_  
Counsel