

**RESOLUTION APPROVING AGREEMENT FOR INCLUSION INTO THE  
COMMERCE CITY E-470 RESIDENTIAL AREA GENERAL IMPROVEMENT  
DISTRICT AND THE COMMERCE CITY E-470 COMMERCIAL AREA  
GENERAL IMPROVEMENT DISTRICT**

**NO. 2013-71**

WHEREAS, the Commerce City E-470 Residential Area General Improvement District (the “ERAGID”), together with the Commerce City E-470 Commercial Area General Improvement District (the “ECAGID”), is anticipated to finance the installation and operation of certain public improvements to serve the properties generally referred to as the “future development area;”

WHEREAS, 96 Tower Investors, LLC (the “ERAGID Petitioner”) has requested certain assurances regarding the priority of the projects to be funded by the ERAGID and the process for determining the priority of future projects and the financing of the installation of projects;

WHEREAS, the City of Commerce City (the “City”), the ERAGID, the ECAGID, the ERAGID Petitioner and DIATC, LLC (the “ECAGID Petitioner”) have all agreed upon a process for determining the priority of future projects and the financing of the installation of projects; and

WHEREAS, the City Council hereby finds and determines that entering into the attached Agreement for Inclusion into the Commerce City E-470 Residential Area General Improvement District and the Commerce City E-470 Commercial Area General Improvement District (the “Inclusion Agreement”) is and shall be in the best interests of the residents of the City.

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

1. The Inclusion Agreement is hereby approved.
2. The Mayor and the City Clerk are hereby authorized and directed to sign and attest the Inclusion Agreement on behalf of the City of Commerce City.

RESOLVED AND PASSED THIS 4<sup>TH</sup> DAY OF NOVEMBER, 2013.

CITY OF COMMERCE CITY

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

ATTEST:

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Cheryl Scott, Acting City Clerk