

**A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL  
AGREEMENT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION  
FOR RIGHT-OF-WAY ACQUISITION COST-SHARING FOR US85 AND 120TH  
AVENUE INTERCHANGE PROJECT**

**NO. 2021-256**

WHEREAS, the Colorado Department of Transportation (“CDOT”) has identified certain parcels needed as right-of-way for the planned grade separated interchange at US85 and E. 120th Avenue, and intends to begin acquiring the parcels in order to prepare for future construction activities (“Project”);

WHEREAS, the City of Commerce City (“City”) was awarded sub-regional funds from the Denver Regional Council of Governments, which funding has been designated to be used for pre-construction activities at the Project location;

WHEREAS, the City and CDOT wish to enter into an agreement, substantially in the form attached hereto, regarding cost-sharing, administration, and other aspects of the Project (“Agreement”), substantially in the form attached as Exhibit A; and

WHEREAS, CDOT requires the City to pass a resolution authorizing the City to enter into the Agreement, and the City is authorized pursuant to § 29-1-203, C.R.S., as amended, and Section 4.13 of the Charter of the City of Commerce City, to enter into intergovernmental agreements.

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

**SECTION 1. Findings.** The recitals to this resolution are incorporated as findings of the City Council. 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; Execution.** The Agreement, including the expenditure of funds for the Project thereunder upon appropriation of funds for such purpose, is hereby approved. The Mayor and the City Clerk are hereby authorized and directed to sign and attest the Agreement, substantially in the form attached, on behalf of the City. This approval and authorization is contingent upon the City Council’s future appropriation of funds and nothing in this resolution shall commit or bind the City Council to make such appropriations.

RESOLVED AND PASSED THIS 16TH DAY OF AUGUST 2021.

CITY OF COMMERCE CITY, COLORADO

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Benjamin A. Huseman, Mayor

ATTEST

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Dylan A. Gibson, City Clerk