



# Commerce City

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## Council Communication

File Number: Res ECAGID 21-02

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**Agenda Date:** 3/22/2021

**Version:** 1

**Status:** ATS Review

**In Control:** E-470 Residential Area General Improvement District

**File Type:** ECAGID Resolution

## JOINT RESOLUTION AUTHORIZING NEGOTIATION AND EXECUTION OF AMENDMENT TO ANNEXATION AND INCLUSION AGREEMENT FOR THIRD CREEK WEST IN AN-19-253, AN-19-254, ECAGID-012-19 AND ERAGID-002-19

### **Summary and Background Information:**

Third Creek West is a 234 acre site located on the east side of E-470 and west of DIA, and once developed will allow for the installation of critical infrastructure across E-470, helping to facilitate economic development in the E-470 corridor, and generate revenue for the City, ECAGID, and ERAGID. The entirety of Third Creek is 1,300 acres, and Third Creek West is the first parcel that will be developed.

At the time of annexation, the City pledged approximately \$13.8M contribution for regional infrastructure, and the Developer pledged to construct other off and on-site improvements. Earlier this year, City Council approved the formation of Third Creek Metropolitan Districts Nos. 1-3. The districts will facilitate the construction of the residential, commercial, and mixed-use development. At the December 21, 2020 Council Meeting, the ECAGID directed staff to execute an engagement letter with DA Davidson to pursue a privately placed loan with an estimated 2.13% interest to fund the project's regional infrastructure.

The ECAGID and ERAGID are both parties to the 2019 Annexation and Inclusion Agreement for the Third Creek West property. That agreement included a specific clause that identified Cowley Companies as responsible for fronting \$6.8M to help cover fund regional infrastructure construction. The clause further indicated that upon completion of the regional improvements, the ERAGID would reimburse Cowley with interest. The attached amendment example, First Amendment to Annexation and Inclusion Agreement, removes that language and provides for an upfront payment by the City's GIDs, as previously approved by City Council. Passing the amendment will ensure all documents are consistent with the course of action taken to cover the costs of regional improvements for the area.

**Staff Responsible (Department Head):** Robert Sheesley, City Attorney

**Staff Member Presenting:** Robert Sheesley, City Attorney

**Suggested Motion:** Motion to approve joint resolution authorizing negotiation and execution of amendment to annexation and inclusion agreement for Third Creek West in

AN-19-253, AN-19-254, ECAGID-012-19 AND ERAGID-002-19.