

**RESOLUTION APPROVING FIRST AMENDMENT TO INTERGOVERNMENTAL
AGREEMENT BETWEEN AND AMONG THE CITY OF COMMERCE CITY AND
CANAL AVENUE METROPOLITAN DISTRICT REGARDING THE SERVICE PLAN
FOR THE DISTRICT**

NO. 2021-54

WHEREAS, on September 17, 2018, the City Council of the City of Commerce City (“City”) approved a Service Plan (“Service Plan”) for the Canal Avenue Metropolitan District (“District”), which District would provide public improvements and ongoing maintenance for a commercial and industrial development with no residential uses but;

WHEREAS, the Service Plan limited the District’s power and authority to operate and maintain certain improvements except as authorized in an intergovernmental agreement with the City, which agreement, dated February 27, 2019 (the “Original IGA”), did not permit ownership or maintenance of any improvements other than parks and recreation improvements;

WHEREAS, to effectuate efficiencies and avoid the cost and expense of a separate owner’s association, the District desires to own and operate a portion of the Public Improvements for the sole benefit of property within the District, as more fully set forth herein; and

WHEREAS, the City, the District, and the landowner desire to execute a First Amendment to the Original IGA, attached to this resolution as Exhibit A, to provide for the ownership and operation by the District of certain Public Improvements;

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. Authorization. The Mayor and City Clerk are authorized and directed to sign and attest to the First Amendment, substantially in the form attached, on behalf of the City.

RESOLVED AND PASSED THIS 19TH DAY OF JULY 2021.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk