

**RESOLUTION APPROVING AGREEMENT AMONG THE CITY OF  
COMMERCE CITY, BUFFALO HIGHLANDS METROPOLITAN DISTRICT,  
BUFFALO HIGHLANDS, LLC, AND C. LARSON FAMILY FARMS, INC, FOR  
THE CONSTRUCTION AND FUNDING OF CERTAIN IMPROVEMENTS TO  
96<sup>TH</sup> AVENUE AND THE DEDICATION OF CERTAIN LANDS**

**NO. 2013-15**

WHEREAS, Buffalo Highlands, LLC, plans to develop the Buffalo Highlands Subdivision within the City (the “Property”);

WHEREAS, as a prerequisite to obtaining City approval for such development, and in accordance with the City’s Land Development Code, Owner must construct certain public improvements to 96<sup>th</sup> Avenue in the vicinity of the Property (the “Improvements”);

WHEREAS, the Buffalo Highlands Metropolitan District (the “District”) was formed in 2002 for the purpose of acquiring, constructing, and financing various public improvements to serve the Property;

WHEREAS, the District has assumed the responsibility for construction of the Improvements, but is currently not capable of financing such Improvements;

WHEREAS, the City requires that the Improvements be constructed in the near term to serve both the Property and other residents of the City; and

WHEREAS, the City has entered into the attached agreement to consolidate certain prior agreements and provide for (i) the present funding and construction of the Improvements; (ii) the consummation of previously required and agreed-to land dedications; and (iii) the funding for the remediation of certain land to be dedicated to the City.

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

1. The form, terms and provisions of the attached agreement among the City of Commerce City, the Buffalo Highlands Metropolitan District, Buffalo Highlands, LLC, and C. Larson Family Farms, Inc., for the construction and funding of certain improvements to 96<sup>th</sup> Avenue and the dedication of certain lands (the “Agreement”) are hereby approved in substantially the form presented at this meeting, with such minor insertions, omissions and changes as approved by the City Manager and City Attorney, the execution of such document being conclusive evidence of such approval.
2. Further, in order to carry out the intention of the Agreement, the District is hereby authorized to draw on the escrow account established in Section 2.2.5 of that certain Agreement between the City and Buffalo Highlands, LLC, dated December 20, 2004, subject to an agreement between the District and

Buffalo Highlands, LLC, providing similar authorization as assigned to the District on the 4<sup>th</sup> day of March, 2013.

3. Subject to paragraph 1 above, the Mayor and the City Clerk are hereby authorized and directed to sign and attest the Agreement on behalf of the City of Commerce City.

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

CITY OF COMMERCE CITY

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Sean Ford, Mayor

ATTEST:

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Laura J. Bauer, CMC, City Clerk