

**RESOLUTION AUTHORIZING THE AMENDMENT OF AN EXISTING  
INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF  
COMMERCE CITY AND THE COLORADO DEPARTMENT OF TRANSPORTATION  
REGARDING FUNDING FOR THE E. 88TH AVENUE WIDENING PROJECT**

**NO. 2023-103**

WHEREAS, the City of Commerce City (“City”) plans to contribute \$1,960,000 in Y2K Funding towards the design, permitting, and construction of improvements along E. 88<sup>th</sup> Ave. between I-76 and Highway 2 (“Project”);

WHEREAS, the City and the Colorado Department of Transportation (CDOT) wish to amend the existing agreement for the Project, substantially in the form attached hereto, regarding funding and other aspects of the Project (“Agreement”); and

WHEREAS, CDOT requires the City to pass a resolution authorizing the City to amend 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 of Amendment.** The Parties’ agreement to amend the Intergovernmental Agreement is approved. This resolution shall not be deemed to grant any right to or interest in the amended IGA to CDOT until the execution of a written amendment acceptable to the City Manager. Upon successful finalization of the amendment and approval as to form by the City Attorney, the Mayor is hereby authorized to execute, and the City Clerk to attest, the amendment to the IGA on behalf of the City.

RESOLVED AND PASSED THIS 11TH DAY OF SEPTEMBER 2023.

CITY OF COMMERCE CITY, COLORADO

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Benjamin A. Huseman, Mayor

ATTEST

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Dylan A. Gibson, City Clerk