

**RESOLUTION APPROVING A THIRD AMENDMENT TO AN
INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF
COMMERCE CITY AND THE URBAN DRAINAGE AND FLOOD CONTROL
DISTRICT D/B/A MILE HIGH FLOOD DISTRICT REGARDING FINAL DESIGN,
RIGHT-OF-WAY ACQUISITION, AND CONSTRUCTION OF DRAINAGE AND
FLOOD CONTROL IMPROVEMENTS FOR IRONDALE GULCH AT HIGHWAY 2**

NO. 2024-144

WHEREAS, the Urban Drainage and Flood Control District d/b/a Mile High Flood District (“District”) and the City of Commerce City (“City”) and collectively known as “Parties” desire to proceed with the design, right-of-way acquisitions and construction of drainage and flood control improvements for Irondale Gulch at Highway 2 (“Project”);

WHEREAS, the Project will include the procurement of professional engineering services construction contractors; ;

WHEREAS, the Parties desire to establish funding contributions and other obligation pertain to the project; and

WHEREAS, the City Council has determined that there is a compelling public need and purpose for the Project, and that the preliminary engineering is necessary and required for the completion of the Project and the public health, safety, and welfare of the citizens of the City.

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

SECTION 1. Award of Contract. The award of the Third Amendment to the Intergovernmental Agreement with Mile High Flood District (MHFD) is hereby approved subject to successful finalization of an appropriate agreement on terms acceptable to the City Manager. This resolution shall not be deemed to grant any right or interest in the award of a contract to MHFD. All rights and interests shall be defined exclusively by the terms and conditions set forth in the written amendment.

SECTION 2. Authorization to Negotiate. The City Manager is hereby authorized to negotiate and finalize the details of an amendment with MHFD, including final pricing and payment terms.

SECTION 3. Execution and Attestation. Upon successful finalization of the amendment and approval as to form by the City Attorney, the City Manager is hereby authorized to execute, and the City Clerk to attest, the amendment on behalf of the City.

RESOLVED AND PASSED THIS 2ND DAY OF DECEMBER 2024.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk