

**RESOLUTION APPROVING TOWER ROAD IMPROVEMENTS PROJECT
FUNDING AGREEMENT**

NO. 2014-24

WHEREAS, the City of Commerce City Northern Infrastructure General Improvement District (the “NIGID”) was duly organized pursuant to Part 6, Article 25, Title 31, Colorado Revised Statutes, and Ordinance 1212 Series 1997 of the City of Commerce City, Colorado (the “City”) adopted by the Council of the City (the “City Council”) on August 18, 1997;

WHEREAS, the Commerce City E-470 Commercial Area General Improvement District (the “ECAGID”) was duly organized pursuant to Part 6, Article 25, Title 31, Colorado Revised Statutes, and Ordinance 1952 of the City adopted by the City Council on April 1, 2013;

WHEREAS, the Commerce City E-470 Residential Area General Improvement District (the “ERAGID”) was duly organized pursuant to Part 6, Article 25, Title 31, Colorado Revised Statutes, and Ordinance 1966 of the City adopted by the City Council on July 15, 2013;

WHEREAS, the current and/or anticipated future boundaries of the ERAGID, the ECAGID, the NIGID and the City (collectively, the “Parties”) converge at certain locations within the City where the construction, reconstruction, expansion and/or installation of certain public improvements, including water and sanitary sewer mains, storm sewers, curbs, gutters, sidewalks, roadways, parks, trails, open space and recreation facilities, are required by the City;

WHEREAS, on November 5, 2013, the residents of the City voted to approve a tax increase to provide for the construction of certain public improvements, including improvements associated with Tower Road within the City as generally identified on Exhibit A to the attached Tower Road Improvements Project Funding Agreement (the “IGA”);

WHEREAS, the Parties concur that it is in their best interests, and in the best interests of the residents of each, to contribute jointly to the design, construction and installation of the improvements associated with Tower Road as generally identified on Exhibit A to the IGA (the “Tower Road Improvements”);

WHEREAS, parties are governmental entities authorized to enter into intergovernmental agreements pursuant to the provisions of Article XIV, Section 18(2)(a), of the Colorado Constitution and C.R.S. § 29-1-203; and

WHEREAS, the Parties now wish to enter into the IGA to define their roles, rights and obligations with respect to funding the Tower Road Improvements.

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

1. The attached Tower Road Improvements Project Funding Agreement is hereby approved.
2. The Mayor and the City Clerk are hereby authorized and directed to sign and attest the Tower Road Improvements Project Funding Agreement on behalf of the City.

RESOLVED AND PASSED THIS ___ DAY OF _____, 2014.

CITY OF COMMERCE CITY

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk