RESOLUTION APPROVING SETTLEMENT AGREEMENT TO RESOLVE LITIGATION - HAMMER ET AL. V. CITY OF COMMERCE CITY AND CITY OF COMMERCE CITY V. HAMMER ET AL.

NO. 2016-57

WHEREAS, the City of Commerce City ("City") is a party to related litigation captioned *Hammer et al. v. City of Commerce City*, 2015 CV 030575, and *City of Commerce City v. Hammer et al.*, 2015 CV 031157 (together, "Litigation"), relating to the acquisition and use of certain property required for the construction improvements to 104th Avenue at Highway 85;

WHEREAS, the City has negotiated terms for the resolution of the Litigation through mutual compromise, substantially as set forth in the "Settlement Agreement, Consent to Entry of Final Rule and Order, and Mutual Release" attached hereto ("Settlement Agreement"), that would avoid further litigation costs and the uncertainty of litigation;

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

1. The City Council hereby finds and determines that the resolution of the Litigation in accordance with the terms set forth in the Settlement Agreement, substantially in the form attached hereto in the opinion of the City Attorney, is and shall be in the best interest of the residents of the City and is hereby approved.

2. The City Manager and City Attorney are hereby authorized to finalize the details of the Settlement Agreement, including the finalization of the terms of the exhibits thereto, and to take all actions necessary to conclude the Litigation in accordance with the terms of the Settlement Agreement.

3. Upon successful finalization of the Settlement Agreement and approval as to form by the City Attorney, the City Manager is hereby authorized to execute, and the City Clerk to attest, the Agreement, substantially in the form attached hereto in the opinion of the City Attorney, on behalf of the City of Commerce City.

RESOLVED AND PASSED THIS 1ST DAY OF AUGUST, 2016.

CITY OF COMMERCE CITY

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Sean Ford, Mayor

ATTEST:

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Laura J. Bauer, MMC, City Clerk