

**RESOLUTION APPROVING FIRST AMENDMENT TERMINATING TOWER  
ROAD IMPROVEMENTS PROJECT FUNDING AGREEMENT**

**NO. 2016-120**

WHEREAS, the Commerce City E-470 Commercial Area General Improvement District (the “ECAGID”) is a public improvement district and a body corporate 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”) is a public improvement district and a quasi-municipal body corporate 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 City of Commerce City Northern Infrastructure General Improvement District (the “NIGID”) is a public improvement district and a body corporate 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 current and/or anticipated future boundaries of the ERAGID, the ECAGID, the NIGID and the City of Commerce City (“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, the Parties previously entered into the Tower Road Improvements Project Funding Agreement dated March 3, 2014 (the “IGA”) to contribute jointly to the design, construction, and installation of certain public improvements associated with Tower Road;

WHEREAS, the City has determined to fund the Tower Road improvements without the contributions of the NIGID, the ECAGID, and the ERAGID, and the Parties concur that it is in their best interests to terminate the IGA through the attached amendment (“Amendment”).

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

1. The attached Amendment is hereby approved.
2. The Mayor and City Clerk are hereby authorized and directed to sign and attest the Amendment.

RESOLVED AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

CITY OF COMMERCE CITY

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Sean Ford, Mayor

ATTEST:

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Laura J. Bauer, MMC, City Clerk