

**RESOLUTION AUTHORIZING COST SHARE AGREEMENT WITH REUNION
METROPOLITAN DISTRICT RELATING TO IMPROVEMENTS TO 112TH AVENUE
AND BUFFALO RUN GOLF COURSE AND THE EXECUTION AND ACQUISITION
OF TEMPORARY CONSTRUCTION EASEMENTS ASSOCIATED WITH THAT
AGREEMENT**

NO. 2019-115

WHEREAS, the Reunion Metropolitan District (“Reunion”) and Clayton Properties Group II, Inc., Reunion and Clayton Properties Group II, Inc., own, have developed, or will own and/or develop property along the current alignment of 112th Avenue from Chambers Road to Parkside Drive North, and such development will require improvements to 112th Avenue and other infrastructure;

WHEREAS, the City of Commerce City desires to construct improvements to 112th Avenue and other infrastructure;

WHEREAS, the City and Reunion desire to work collaboratively to complete such improvements and have negotiated a Cost Share Agreement, attached as Exhibit “A,” that will, among other things, allow Reunion to design and construct such improvements and establish cost allocations and other obligations;

WHEREAS, the Cost Share Agreement obligates the City, among other things, to acquire certain temporary construction easements for the construction;

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

1. The Cost Share Agreement, and the prompt acquisition of property interests authorized below, is found to be in the best interests of the public and supported by public need and is hereby approved, substantially in the form attached hereto.
2. Upon successful finalization of the contract and approval as to form by the City Attorney, the Mayor is hereby authorized to execute, and the City Clerk to attest, the Cost Share Agreement on behalf of the City.
3. Pursuant to Sections 2.2(b) and 4.15 of the City Charter, the City Manager, with the assistance of the City Attorney, is authorized to take necessary and appropriate action to acquire good title to the Property Rights designated as “City Acquisition,” as defined in the Cost Share Agreement, including good faith negotiation and acquisition on the basis of fair and reasonable value, and, if necessary, filing a petition in condemnation to acquire and obtain immediate possession of the such property rights. The City Attorney is authorized to retain, at reasonable rates, the services of special condemnation counsel, appraisers, and other appropriate consultants and expert witnesses. The City Manager is authorized to: establish the compensation to be offered to each owner for such property rights in compliance with applicable law; to incur

reasonable costs associated with acquiring such property rights, including, without limitation, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges, and all other related or incidental costs or expenses customarily associated with the quiet title, acquisition or condemnation; and to provide legal descriptions and to hereafter amend or clarify the property rights to be acquired and the nature of the interests to be acquired, including commencement date and duration of any temporary easement, as needed to complete the City's obligations under the Cost Share Agreement.

4. The City Manager or designee, with the assistance and approval of the City Attorney as to form, is authorized to grant such temporary construction easements and licenses on City-owned property, as described in the Cost Share Agreement, to Reunion and its contractors for the purpose of constructing the work.

RESOLVED AND PASSED THIS 4TH DAY OF NOVEMBER 2019.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST

Laura J. Bauer, MMC, City Clerk