

**A RESOLUTION AUTHORIZING AWARD OF A REIMBURSEMENT FOR
UNITED POWER, INC. TO MOVE THEIR INFRASTRUCTURE TO
FACILITATE THE CITY’S CONSTRUCTION OF A PEDESTRIAN UNDERPASS**

NO. 2026-054

WHEREAS, 96th Avenue was identified for widening within the City of Commerce City’s (“City”) 2010 Transportation Master Plan and the updated Transportation Master Plan adopted by the City’s Council in February of 2026;

WHEREAS, after the initial project was scoped, the need to also construct a pedestrian underpass as a part of the project was identified by City Council during the 2023 Winter Retreat;

WHEREAS, in order to construct the underpass certain utility infrastructure must be moved out of the underpass pathway;

WHEREAS, United Power, Inc. has agreed to rearrange their construction schedule to help the City meet their construction schedule and has asked to be reimbursed for the cost of construction up to seven hundred thousand dollars (\$700,000); and

WHEREAS, the City desires to keep to their construction schedule for cost reasons as well as making this necessary underpass available to City residents for their public safety.

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 reimbursement agreement for \$700,000.00 to United Power, Inc. is hereby approved subject to successful finalization of an appropriate contract 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 United Power, Inc. All rights and interests shall be defined exclusively by the terms and conditions set forth in the written contract.

SECTION 2. Authorization to Negotiate. The City Manager is hereby authorized to negotiate and finalize the details of a contract with United Power, Inc., including final pricing and payment terms, and any amendment thereto.

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

RESOLVED AND PASSED THIS 6TH DAY OF APRIL, 2026.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Stephen J. Ruger, City Clerk