

RESOLUTION NO. 2022-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BRIGHTON AND THE CITY OF COMMERCE CITY, REGARDING THE CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY GRANT, AUTHORIZING THE CITY MANAGER TO EXECUTE SAID IGA ON BEHALF OF THE CITY

WHEREAS, the City of Brighton (the “City”) and the City of Commerce City (“Commerce City”) desire to enter into an Intergovernmental Agreement (“IGA”) to fund the right-of-way acquisition and preliminary design services for the Consolidated Rail Infrastructure and Safety Improvements grant (the “Project”); and

WHEREAS, the Project is part of a series of improvements identified in the US 85 Access Control Plan and US 85 Planning and Environmental Linkage Study, which may be funded, in part, by the US Department of Transportation Infrastructure for America (INFRA) discretionary grant program (the “Program”); and

WHEREAS, pursuant to Resolution 2017-120, the City previously committed \$3,000,000.00 towards the Program (the “Commitment”); and

WHEREAS, the City has been asked to contributed \$400,000.00 to the Project (the “Contribution”); and

WHEREAS, the Adams County Road and Bridge Sales Tax is a 0.5% tax collected within Adams County, the revenues from which are distributed proportionately to the cities that collect the sales tax and must be used for improvements to or the building of road and bridge projects; and

WHEREAS, Brighton is a recipient of the Adams County Road and Bridge Sales Tax, a recurring funding source that has annually generated over \$1 million in revenue to Brighton; and

WHEREAS, the City Council find and determines that the terms of the IGA are reasonable, that this IGA exemplifies the spirit of cooperation between the City and Commerce City, and that it is in the best interests of the citizens of Brighton that the IGA be approved; and

WHEREAS, Section 18(2)(a) of Article XIV of the Colorado Constitution and Sections 29-1-201, *et seq.*, and 29-20-105 of the Colorado Revised Statutes authorize and encourage local governmental entities to cooperate by contracting with one another for their mutual benefit.

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

Section 1. The IGA between the City and Commerce City is hereby approved.

Section 2. The City Manager is authorized to execute said IGA on behalf of the City and to undertake such tasks and execute such documents as may be required to implement said IGA on behalf of the City.

Section 3. The City's Commitment towards the Program is hereby reduced by the amount of the City's Contribution to the Project made in Resolution R#2017-120, such that the total amount of the City's Commitment shall now be two million six hundred thousand dollars (\$2,600,000.00).

Section 4. This Resolution is effective upon the date of its adoption.

RESOLVED this 19<sup>th</sup> day of April 2022.

CITY OF BRIGHTON, COLORADO

---

GREGORY MILLS, Mayor

ATTEST:

---

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

---

YASMINA SHAUSH, Assistant City Attorney