

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING THE AMENDATORY INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND COUNTY OF DENVER AND ADAMS COUNTY TO THE INTERGOVERNMENTAL AGREEMENT ON ANNEXATION AND AN INTERGOVERNMENTAL AGREEMENT ON A NEW AIRPORT DATED APRIL 21, 1988, AS A THIRD PARTY BENEFICIARY TO CERTAIN PROVISIONS OF THE AMENDATORY INTERGOVERNMENTAL AGREEMENT; SETTING FORTH THAT SUCH APPROVAL IS SUBJECT TO AND CONDITIONED UPON APPROVAL OF THE AMENDATORY INTERGOVERNMENTAL AGREEMENT BY THE VOTERS OF THE CITY AND COUNTY OF DENVER AND ADAMS COUNTY; AND SETTING FORTH OTHER DETAILS RELATED THERETO.**

**RESOLUTION NO. 2015-83**

**WHEREAS**, the City and County of Denver (Denver) and Adams County entered into an *Intergovernmental Agreement on Annexation* and an *Intergovernmental Agreement on a New Airport*, both dated April 21, 1988, providing for the detachment of territory from Adams County and the annexation to Denver County for the purposes of construction and operation of an international airport, Denver International Airport (“DIA”); and

**WHEREAS**, the *Intergovernmental Agreement on a New Airport* included provisions regarding aircraft noise and mitigation, allowing and prohibiting certain land uses on an DIA, addressing the construction of certain capital improvements, and setting forth other items related to the construction and ongoing operation of DIA; and

**WHEREAS**, the voters in Adams County approved the Intergovernmental Agreements in May 1988 and voters in Denver approved the annexation in May 1989; and

**WHEREAS**, Denver and Adams County have agreed to amend certain of the land use regulations contained in the 1988 Agreements in order to provide greater development opportunities on 1,500 acres at DIA, in exchange for sharing fifty percent (50%) of certain Denver tax revenue derived from such new development, in perpetuity, with Adams County; and

**WHEREAS**, in addition to sharing 50% of the Denver tax revenue, Denver has also agreed to make a one-time payment of \$10 million to Adams County; and

**WHEREAS**, these agreements are more particularly set forth in an *AMENDATORY INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND COUNTY OF DENVER AND ADAMS COUNTY TO THE INTERGOVERNMENTAL AGREEMENT ON ANNEXATION AND AN INTERGOVERNMENTAL AGREEMENT ON A NEW AIRPORT DATED APRIL 21, 1988* (the “Amendatory IGA”); and

**WHEREAS**, Adams County has agreed to share the Denver tax revenue and one-time payment with the cities of Aurora, Brighton, Commerce City, Federal Heights, and Thornton in accordance with a separate Intergovernmental Agreement among Adams County and those cities; and

**WHEREAS**, the cities of Aurora, Brighton, Commerce City, Federal Heights and Thornton are third party beneficiaries to the Amendatory IGA as it pertains to revenue sharing and the cities of Aurora and Commerce City are also third party beneficiaries to the Amendatory IGA as it pertains to the amended land use provisions; and

**WHEREAS**, the Amendatory IGA will become effective on January 1 of the year following its approval by the voters of both Denver and Adams counties and is conditioned upon and subject to said voter approval; and

**WHEREAS**, Denver and Adams counties intend to submit the Amendatory IGA to the voters in their respective counties at the November 3, 2015 election; and

**WHEREAS**, the parties to the Amendatory IGA have requested that the IGA be approved by each of the entities prior to submittal to the voters.

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

1. That the Amendatory Intergovernmental Agreement between the City and County of Denver and Adams County, a copy of which is attached hereto and incorporated herein by this reference, and to which the City of Brighton is a signatory since it is a third party beneficiary with respect to the revenue sharing provisions, is hereby approved subject to and conditioned upon the approval of the Amendatory IGA by the voters of both Denver and Adams counties.
2. That the Mayor is hereby authorized to execute and the City Clerk to attest the Amendatory IGA, on the behalf of the City, substantially in conformance with the attached Amendatory Intergovernmental Agreement, at such time of that the certification of the passage of the ballot measures in Denver and Adams counties has been received.

**PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2015.**

**CITY OF BRIGHTON, COLORADO**

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**Richard N. McLean, Mayor**

**ATTEST:**

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**Natalie Hoel, City Clerk**

**APPROVED AS TO FORM:**

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**Margaret R. Brubaker, City Attorney**