

RESOLUTION NO. 2018-132

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE THIRD AMENDED AND RESTATED ESTABLISHING CONTRACT FOR THE E-470 PUBLIC HIGHWAY AUTHORITY AND AUTHORIZING THE MAYOR TO SIGN THE SAME ON BEHALF OF THE CITY

WHEREAS, in response to the growing demand for the construction of beltways within the Denver Metropolitan Region to facilitate traffic movement and the inadequacy of current transportation facilities to meet that demand, together with the need to coordinate planning and construction of beltways or other transportation improvements to serve regional needs, and the limited availability of state and federal funds for such purposes, the Colorado General Assembly enacted the Public Highway Authority in Part 5 of Article 4, Title 43, C.R.S (the “Act”); and

WHEREAS, the E-470 Public Highway Authority (“Authority”) was created by the Establishing Contract for the E-470 Public Highway Authority, dated January 13, 1988, by and among Adams County, Arapahoe County, and Douglas County, and, by amendments to the Establishing Contract, the City of Aurora, the Town of Parker, the City of Thornton, the City of Brighton, and the City of Commerce City, to finance, construct, operate, or maintain E-470 (which Contract, together with its various amendments and iterations is referred to as the “Establishing Contract”); and

WHEREAS, the execution of the Establishing Contract by the parties is permitted by Article XIV, Section 18(2) of the Colorado Constitution, Part 2 of Article 1, Title 29, C.R.S., and the Act, and is essential to the continued economic growth of the Denver metropolitan region, is in the public interest, and will promote the health, safety, and welfare of the citizens of this state by securing for them more adequate transportation; and

WHEREAS, the City of Brighton has deemed it appropriate and in the best interests of the Authority to amend the Establishing Contract; and

WHEREAS, the City Council hereby finds and determines that the Third Amended and Restated Establishing Contract for the Authority is reasonable, and that the terms thereof are necessary and in the best interest of the City of Brighton.

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

Section 1. The Third Amended and Restated Establishing Contract between the City and the Authority is hereby approved.

Section 2. The Mayor and City Clerk are authorized to execute and sign the contract, and any and all additional documentation, on behalf of the City.

Section 3. All resolutions or parts of resolutions of the City in direct conflict herewith are hereby rescinded.

RESOLVED AND PASSED THIS 4<sup>th</sup> DAY OF DECEMBER, 2018.

CITY OF BRIGHTON, COLORADO

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KENNETH J. KREUTZER, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

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JACK D. BAJOREK, City Attorney