

RESOLUTION NO. 2026-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BRIGHTON, COLORADO AND THE CITY OF COMMERCE CITY, COLORADO FOR THE US HIGHWAY 85 AND 120<sup>TH</sup> AVENUE PROJECT

WHEREAS, the United States Department of Transportation, Federal Railroad Administration awarded the City of Commerce City, Colorado ("Commerce City") a Fiscal Year 2021 Consolidated Rail Infrastructure and Safety Improvements Grant ("CRISI Grant") for the construction of a grade separated crossing at U.S. 85 and Union Pacific Railroad at 120th Avenue (the "Project"); and

WHEREAS, the CRISI Grant requires a local contribution in the total amount of \$11,192,000; and

WHEREAS, in recognition of the regional benefits of the Project, the City of Brighton, Colorado ("Brighton") has agreed to contribute \$2,117,000 to the design and construction of the Project as part of the local contribution (the "Brighton Local Match"); and

WHEREAS, Brighton and Commerce City (collectively, the "Parties") have agreed that the Brighton Local Match shall be made in one payment by February 28, 2027; and

WHEREAS, the Parties desire to enter into an Intergovernmental Agreement regarding the Brighton Local Match (the "IGA"); and

WHEREAS, Brighton and Commerce City, as Colorado governments, are constitutionally and statutorily empowered pursuant to Colo. Const. Art. XIV, Section 18 and Colo. Rev. Stat. Sections 29-1- 201, *et seq.*, to cooperate or contract via intergovernmental agreement with one another to provide functions, services, or facilities authorized to each cooperating government; and

WHEREAS, the Brighton City Council finds and determines that the terms of the IGA are reasonable, that the IGA exemplifies the spirit of cooperation between the Parties, and that it is in the best interests of the residents of the Parties that the IGA be approved.

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

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

Section 2. The Mayor is hereby authorized to execute said IGA on behalf of Brighton.

Section 3. The City Manager is hereby authorized to undertake such tasks and execute such documents as may be required to implement said IGA on behalf of Brighton.

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

RESOLVED this 17<sup>th</sup> day of February 2026.

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

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JAMES GALLAGHER, Assistant City Attorney