

Resolution #BE-15-7-3

Approving an Intergovernmental Agreement by and among the Colorado Bridge Enterprise, the Colorado Department of Transportation, the Colorado High Performance Transportation Enterprise, and the City and County of Denver Regarding the I-70 East Project

Approved by the Bridge Enterprise Board of Directors on July 16, 2015

WHEREAS, the Colorado Bridge Enterprise ("BE") was created pursuant to § 43-4-805, C.R.S., as an enterprise for purposes of Section 20 of Article X of the Colorado Constitution, and as a government-owned business within the Colorado Department of Transportation ("CDOT"), for the business purpose of financing, repairing, reconstructing, and replacing designated bridges, as defined in § 43-4-803(10), C.R.S.; and

WHEREAS pursuant to § 43-4-805(5)(i), C.R.S., the Board of Directors of the BE (the "Board") is empowered to make and enter into all other contracts and agreements, including intergovernmental agreements pursuant to § 29-1-103, C.R.S., that are necessary or incidental to the exercise of its powers and performance of its duties; and

WHEREAS the Board has reviewed the Intergovernmental Agreement by and among BE, the Colorado Department of Transportation, the Colorado High Performance Transportation Enterprise, and the City and County of Denver regarding the design, construction, financing, operation and maintenance of the I-70 East Project (the "Agreement"); and

WHEREAS the Board supports a cooperative approach to the I-70 East Project and agrees there are significant mutual benefits to be achieved by working together on the I-70 East Project and related enhancements, including transportation improvements, efficiencies in timely decision making and turnaround, the design of the partial cover identified in the NEPA documents, and other improvements, which will result in savings to, and funding contributions for, the I-70 East Project; and

WHEREAS the Board has also determined that it is appropriate to prepare for the possibility that the Partial Cover Lowered Alternative ultimately receives approval through the NEPA process; provided, however, that if the Partial Cover Lowered Alternative is not identified as the selected, preferred alternative in the Record of Decision for the I-70 East Project, the Agreement may be terminated by mutual written agreement of the Parties.

NOW THEREFORE BE IT RESOLVED that the Board of the Colorado Bridge Enterprise hereby approves the Intergovernmental Agreement by and among BE, the Colorado Department of Transportation, the Colorado High Performance Transportation Enterprise, and the City and County of Denver regarding the I-70 East Project.

BE IT FURTHER RESOLVED that the Board hereby authorizes the Bridge Enterprise Director to execute and deliver the Intergovernmental Agreement by and among BE, the Colorado Department of Transportation, the Colorado High Performance Transportation Enterprise, and the City and County of Denver regarding the I-70 East Project, with such changes therein and additions thereto, not inconsistent with this Resolution, as the Bridge Enterprise Director may determine to be necessary or appropriate, whose signature thereon shall constitute conclusive evidence of such approval, and to perform all other acts that the Bridge Enterprise Director may deem necessary or appropriate in order to implement and carry out the transactions and other matters authorized by the Agreement.

Herman F. Stockinger #

Herman Stockinger, Secretary
Bridge Enterprise Board of Directors

7-20-15

Date