

**Resolution – HPTE # 110**

**Approving the Amendment No. 1 to Concession Agreement for US 36 and the I-25 Managed Lanes made as of October 4, 2013, between Plenary Roads Denver LLC and the High Performance Transportation Enterprise.**

**WHEREAS** pursuant to C.R.S. 43-4-806, the General Assembly created the Colorado High Performance Transportation Enterprise (“HPTE”) as a government-owned business and a Division of the Colorado Department of Transportation (“CDOT”); and

**WHEREAS** HPTE, in partnership with CDOT, has negotiated a Concession Agreement dated June 27, 2013, including any and all related agreements and exhibits (“Concession Agreement”), with Plenary Roads Denver LLC (“Plenary”) for the design, construction, financing, operation and maintenance of the US 36 Corridor between Denver and Boulder and the I-25 Express Lanes; and

**WHEREAS** HPTE has determined it necessary to amend the Concession Agreement and HPTE has negotiated that certain Amendment No. 1 to Concession Agreement for US 36 and the I-25 Managed Lanes made as of October 4, 2013, including exhibits (“Amendment No. 1”), with Plenary; and

**WHEREAS** the Amendment No. 1 requires certain payments be made by HPTE to Plenary; and

**WHEREAS** HPTE’s Board of Directors has reviewed and desires to approve the Amendment No. 1 and the HPTE payments described therein; and

**NOW THEREFORE BE IT RESOLVED**, The High Performance Transportation Enterprise Board of Directors hereby approves the Amendment No. 1 between Plenary Roads Denver LLC and HPTE, amending the Concession Agreement in substantially the form on file with it at this meeting and authorizes HPTE’s Director to execute the Amendment No. 1 on behalf of HPTE, in such form and with such revisions or modification as the Director may determine to be necessary or appropriate (such determination to be conclusively, but not exclusively, evidenced by the execution of Amendment No. 1, with such revisions or modifications, by the Director).

**BE IT FURTHER RESOLVED**, The High Performance Transportation Enterprise Board of Directors hereby approves the payments to be made by HPTE to Plenary as described in the Concession Agreement and directs staff to effectuate all reasonably necessary actions to make such payments from Fund 536 when such payments are due and owing.

Signed as of October 10, 2013



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Jane Hickey  
Secretary, HPTE Board of Directors