

**Resolution – HPTE #176**

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

**WHEREAS** pursuant to Section 43-4-806, *et seq.*, C.R.S., the General Assembly of the State of Colorado created the Colorado High Performance Transportation Enterprise (“HPTE”) as a government-owned business within the Colorado Department of Transportation (“CDOT”) to pursue innovative means of more efficiently financing important surface transportation projects that will improve the safety, capacity, and accessibility of the surface transportation system; and

**WHEREAS** pursuant to § 43-4-806(6)(g), C.R.S., HPTE is empowered to enter into contracts or agreements with any public entity to facilitate a public-private partnership; and

**WHEREAS** HPTE is also empowered, pursuant to § 43-4-806(6)(h), C.R.S., to make and enter into all other contracts and agreements, including intergovernmental agreements under § 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 HPTE, the Colorado Department of Transportation, the Colorado Bridge 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 High Performance Transportation Enterprise hereby approves the Intergovernmental Agreement by and among HPTE, the Colorado Department of Transportation, the Colorado Bridge Enterprise, and the City and County of Denver regarding the I-70 East Project.

**BE IT FURTHER RESOLVED** that the HPTE Board hereby authorizes the HPTE Director to execute and deliver the Intergovernmental Agreement by and among HPTE, the Colorado Department of Transportation, the Colorado Bridge 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 HPTE 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 HPTE Director may deem necessary or appropriate in order to implement and carry out the transactions and other matters authorized by the Agreement.

Signed as of July 15, 2015

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Kari V. Grant  
Interim Secretary, HPTE Board