

1 **BY AUTHORITY**

2 RESOLUTION NO. CR18-1415  
3 SERIES OF 2018

COMMITTEE OF REFERENCE:  
Business, Arts, Workforce & Aviation Services

4 **A RESOLUTION**

5 **Authorizing submittal of an application for a special-purpose subzone of**  
6 **Foreign-Trade Zone No. 123 for use by Lexmark International, Inc.**

7 **WHEREAS**, the City and County of Denver has received permission from the United States  
8 Foreign-Trade Zones Board (the "Board") to establish, operate and maintain a foreign trade zone  
9 in Denver, Colorado; and

10 **WHEREAS**, the City has acted in the Zone Grantee capacity for Foreign-Trade Zone No.  
11 123 since 1985; and

12 **WHEREAS**, the City and County of Denver, as the Zone Grantee, has applied for and  
13 received permission from the Board to establish subzones of Foreign-Trade Zone No. 123 for use  
14 by companies outside of the City and County of Denver; and

15 **WHEREAS**, the City and County of Denver has received a request to apply to establish a  
16 special-purpose foreign-trade subzone for the exclusive use of Lexmark International, Inc. (the  
17 "Company"), in the Denver metropolitan area; and

18 **WHEREAS**, Denver's Office of Economic Development ("OED") has reviewed the request  
19 and has determined that establishment of the new subzone would enhance the Company's and  
20 Colorado's global competitiveness and attract and retain jobs in Colorado; and

21 **WHEREAS**, the City Council concurs with OED's recommendation and believes that the  
22 City should support the establishment of the subzone; and

23 **WHEREAS**, a resolution of the City Council in support of the establishment of the subzone  
24 application is a requirement of applicable federal law, specifically 15 C.F.R. section 400.24(c);

25 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY**  
26 **OF DENVER:**

27 **Section 1.** The City and County of Denver, Colorado hereby authorizes submittal of an  
28 application to the Foreign-Trade Zones Board for authority to establish a special-purpose foreign-  
29 trade subzone for use by the Company. OED is authorized to send a letter of transmittal of said  
30 application, with or without the City's seal, to the Foreign-Trade Zones Board. Subsequent  
31 administrative actions, including without limitation minor modifications to any Board Order, or  
32 expansion of the zone project, may be filed at the Foreign-Trade Zones Board by the Company or  
33 its representatives without further action of the Denver City Council.

1 COMMITTEE APPROVAL DATE: November 28, 2018 by Consent

2 MAYOR-COUNCIL DATE: December 4, 2018

3 PASSED BY THE COUNCIL: \_\_\_\_\_

4 \_\_\_\_\_ - PRESIDENT

5 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
6 EX-OFFICIO CLERK OF THE  
7 CITY AND COUNTY OF DENVER

8 PREPARED BY: Kwali M. Farbes, Assistant City Attorney DATE: December 6, 2018

9 Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the Office of  
10 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed  
11 resolution. The proposed resolution is not submitted to the City Council for approval pursuant to §  
12 3.2.6 of the Charter.

13 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_