

**TOWN OF MEAD, COLORADO  
RESOLUTION NO. 15-R-2005**

**A RESOLUTION REGARDING THE REVIEW OF THE PRELIMINARY PLAT  
OF THE MARGIL FARMS ANNEXATION, ADOPTING CERTAIN FINDINGS  
OF FACT AND CONCLUSIONS FAVORABLE TO THE PRELIMINARY PLAT.**

**WHEREAS**, the Board of Trustees of the Town of Mead, Colorado, on Monday, June 11, 2005, and Monday, August 8, 2005, reviewed the application of the Olson Bros LLC and the Margil Loving/Living Trust, PO Box 38 Berthoud, CO 80513, for the Preliminary Plat of the following real property; to wit:

Two tracts of land, one located in the Northeast ¼ of Section 3, T3N, R68W of the 6<sup>th</sup> PM and the other in the West half and Southeast ¼ of Section 34, T4N, R68W of the 6<sup>th</sup> PM, Weld County, State of Colorado, more particularly described in Exhibit A attached hereto:

**NOW THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

**Section 1. Findings of Fact.**

- a. Notice of the public hearing to consider the Preliminary Plat for the Margil Farms Annexation was published by posting on June 24, 2005, and published in the Longmont Times-Call on June 25, 2005. Both the posting and publication by newspaper took place more than 15 days before the date of the public hearing as required by Mead Municipal Code Section 16-4-60.
- b. Notice of the public hearing to consider the Preliminary Plat was mailed to the owners of property within 300 feet of the boundary of the subject property on June 24, 2005, more than 15 days before the date of the public hearing as required by Mead Municipal Code Section 16-4-60.
- c. The public hearing before the Board of Trustees was held at the time and place as noticed and all those in attendance desiring to give testimony on the matter before the Board of Trustees were given that opportunity.
- d. The applicant's application and supporting documents are in substantial compliance with "*Chapter 16, Land Use Regulations, of the Mead Municipal Code.*"
- e. This property is subject to an executed and recorded Margil Farms Annexation Agreement dated September 2, 1997, a First Amendment to Margil Farms Annexation Agreement dated August 11, 1999, and a Second Amendment to Margil Farms Annexation Agreement dated October 30, 2002, which among other topics, provided a detail description of the land uses permitted for the property; a cap on the number of single-family residential units without further approval by the Town; agreements on the dedication of land for parks and open spaces; agreements on the enforcement of the

agreement; agreements on the municipal services to be provided by the Town; agreements on the construction and installation of roads, sidewalks, trails, lighting and street signs; agreements regarding the annexation of excluded land; agreements regarding the manner of development of public parks; and agreements related to the future modifications of the overall land use plan for the property to reflect changing market conditions.

- f. Upon testimony received during the public hearing, it is evident that the site plan process as applied to the non-residential property as provided by *Chapter 16, Land Use Regulations*, of the *Mead Municipal Code*, will provide adequate safeguards to protect the health, safety, and welfare of the public and the use of the adjacent property.
- g. Upon testimony received during the public hearing, it is evident that the proposed Preliminary Plat conforms with the requirements and standards established in *Chapter 16, Land Use Regulations*, of the *Mead Municipal Code*.
- h. Upon testimony received during the public hearing, it is evident that the proposed Preliminary Plat, is compatible with the approved land uses on adjacent property.
- i. Upon testimony received during the public hearing, it is evident that the proposed Preliminary Plat preserves the health, safety, welfare and interest of the citizens of the Town of Mead, Colorado.
- j. The Board of Trustees considered the recommendations of the Mead Planning Commission made following their public hearing on the Preliminary Plat on June 17, 2005.

**Section 2. Conclusions and Order Approving the Preliminary Plat of the Margil Farms Annexation.**

- a. The proposed Preliminary Plat of the Margil Farms Annexation complies with the applicable sections of "*Chapter 16, Land Use Regulations*, of the *Mead Municipal Code*."
- b. The dedicated park shall be developed in accordance with a phased park development plan to be prepared by the Town's Park Planner, said plan to be at the Developer's cost not to exceed \$3,500, and approved by the Town prior to the completion of the construction of the Third Filing. The Developer shall finish grade and seed the park(s) to native grasses as part of its public improvement obligation as specified in the approved construction plans and in the separate Memorandum of Agreement for Public Improvements. Any additional improvements shall be made in accordance with the provisions of the Second Amendment to the Margil Farms Annexation Agreement dated October 30, 2002.
- c. The Developer will cooperate with other adjacent property owners in petitioning for the annexation of WCR 7 north from WCR 38 to the north end of the development.

- d. The Developer will pave the full width of WCR 7 from WCR 38 to 100 feet beyond Harvest Drive to rural street standards, i.e. two twelve foot drive lanes and two five foot shoulders, along with right turn lanes at Harvest Drive and at WCR 38 (provided that adequate right-of way exists), with the development of the Third Filing. The Developer will pave the full width of WCR 7 from Harvest Drive to the north section line of Section 34, T4N, R68W to rural street standards, i.e. two twelve foot drive lanes and two five foot shoulders, with the development of the adjacent filings. It is understood that construction of WCR 7 will require a separate Road Maintenance and Improvements Agreement with Weld County if the road right-of-way is not annexed to the Town. The Town agrees that the Developer shall be entitled to recover one-half of the cost from subsequent developers of the adjacent property on the west side of WCR 7. Construction cost recovery from adjacent property shall be by separate agreement.
- e. At the time of construction of the infrastructure improvements in the fifth phase, the Developer will install five foot shoulders on each side of County Road 38 in the area west of Margil Road with the understanding that the existing Little Thompson Water District vault will not interfere with the road improvements or will be otherwise moved by the District. The five foot shoulders east of Margil Road would be installed at such time as 100,000 square feet of building area is constructed on the commercial/industrial space.
- f. The Developer will provide a water tap(s) for irrigation of the dedicated park land as may be appropriate for the development of the park land.
- g. The eastern berm paralleling I-25 will have a maximum height of 10 feet. The Developer will propose a minimal height depending upon the topography that will be acceptable to the municipal engineer.
- h. All trails will be constructed of concrete and be 8 feet wide.
- i. The proposed Preliminary Plat of the Margil Farms Annexation, subject to the above conditions, is hereby approved.

**Section 3. Ministerial Action.** The Mayor and Town Clerk are authorized and directed to complete all the necessary procedures required for certification of the Preliminary Plat including, the signatures thereon and filing copies of this resolution and the Preliminary Plat map in the office on the Town Clerk.

**Section 4. Effective Date.** This resolution shall be published and become effective as provided by law.

**Section 5. Validity.** If any part, section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the resolution. The Board of Trustees hereby declares that it would have passed the resolution including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

**Section 6. Necessity.** In the opinion of the Board of Trustees of the Town of Mead, this resolution is necessary for the immediate preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Mead.

**Section 7. Certification.** The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the resolution available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND SIGNED THIS 29<sup>th</sup> DAY OF August, 2005.**

**ATTEST:**

**TOWN OF MEAD**

By Marcia David  
Marcia David, Acting Town Clerk

By [Signature]  
Richard E. Kraemer, Mayor

Appendix A  
**LEGAL DESCRIPTION**  
**MARGIL FARMS PRELIMINARY PLAT**

TWO TRACTS OF LAND, ONE LOCATED IN THE NORTHEAST ¼ OF SECTION 3, T3N, R68W OF THE SIXTH PRINCIPAL MERIDIAN AND THE OTHER IN THE WEST HALF AND SOUTHEAST ¼ OF SECTION 34, T4N, R68W OF THE SIXTH PRINCIPAL MERIDIAN, WELD COUNTY, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**TRACT 1.**

COMMENCING AT THE EAST ¼ CORNER OF SAID SECTION 3; THENCE ALONG THE SOUTH LINE OF THE NORTHEAST ¼ OF SAID SECTION 3 S88°59'41" W, A DISTANCE OF 250.01 FEET TO A POINT ON THE WEST R.O.W. LINE OF I-25 THE **POINT OF BEGINNING**; THENCE N00 33'03"W, A DISTANCE OF 2595.72 FEET ALONG SAID WEST R.O.W. LINE TO A POINT ON THE SOUTH R.O.W. LINE OF WCR 38; THENCE N80 58'16"W, A DISTANCE OF 496.81 FEET ALONG SAID SOUTH R.O.W. LINE; THENCE S89°13'44"W, A DISTANCE OF 1232.21 FEET ALONG SAID SOUTH R.O.W. LINE TO THE EAST LINE OF MARGIL FARMS FILING NO. 2 ACCORDING TO THE RECORDED PLAT THEREOF; THENCE ALONG SAID EAST LINE OF MARGIL FARMS FILING NO. 2 THE FOLLOWING 16 COURSES:

S04 13'48"W, A DISTANCE OF 123.39 FEET; THENCE SOUTHERLY 52.35 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 415.00 FEET, A CENTRAL ANGLE OF 07°13'40" AND IS SUBTENDED BY A CHORD THAT BEARS SOUTH 07°50'38" WEST, 52.32 FEET; THENCE SOUTHERLY 20.42 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT SAID CURVE HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 11°41'56" AND IS SUBTENDED BY A CHORD THAT BEARS SOUTH 17°18'26" WEST, 20.38 FEET; THENCE S23°09'24"W, A DISTANCE OF 40.35 FEET; THENCE SOUTHERLY 4.62 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 02°38'53" AND IS SUBTENDED BY A CHORD THAT BEARS SOUTH 21°49'58" WEST, 4.62 FEET; THENCE SOUTHERLY 158.67 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 409.00 FEET, A CENTRAL ANGLE OF 22°13'38" AND IS SUBTENDED BY A CHORD THAT BEARS SOUTH 31°37'20" WEST, 157.67 FEET; THENCE S69 11'36"E, A DISTANCE OF 343.96 FEET; THENCE S48 40'26"E, A DISTANCE OF 789.34 FEET; THENCE S16 41'57"E, A DISTANCE OF 191.86 FEET; THENCE S56 01'50"E, A DISTANCE OF 321.76 FEET; THENCE S19 34'00"E, A DISTANCE OF 362.04 FEET; THENCE SOUTHERLY 253.77 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 326.00 FEET, A CENTRAL ANGLE OF 44°36'03" AND IS

SUBTENDED BY A CHORD THAT BEARS SOUTH 02°44'02" WEST, 247.41 FEET; THENCE S25 02'03"W, A DISTANCE OF 384.54 FEET; THENCE SOUTHERLY 202.92 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 313.00 FEET, A CENTRAL ANGLE OF 37°08'40" AND IS SUBTENDED BY A CHORD THAT BEARS SOUTH 43°36'23" WEST, 199.38 FEET; THENCE S62 10'43"W, A DISTANCE OF 49.12 FEET; THENCE S01 00'36"E, A DISTANCE OF 46.79 FEET; THENCE LEAVING SAID EAST LINE OF MARGIL FARMS FILING NO. 2; THENCE S01 00'36"E, A DISTANCE OF 144.45 FEET TO A POINT ON THE SOUTH LINE OF THE NE ¼ OF SAID SECTION 3; THENCE N88 59'41"E, A DISTANCE OF 864.99 FEET ALONG THE SAID SOUTH LINE TO THE **POINT OF BEGINNING**.

TRACT 1 CONTAINING 59.95 ACRES MORE OR LESS.

**TRACT 2.**

**COMMENCING** AT THE NORTHWEST CORNER OF SAID SECTION 34; THENCE N88 43'59"E, A DISTANCE OF 30.00 TO THE **POINT OF BEGINNING**. THENCE S00°17'55" EAST, A DISTANCE OF 2639.71 FEET PARALLEL TO THE WEST LINE OF SAID SECTION 34; THENCE S00°17'50" EAST, A DISTANCE OF 1549.04 FEET PARALLEL TO THE WEST LINE OF SAID SECTION 34; THENCE N89 12'50"E, A DISTANCE OF 20.00 FEET TO THE NORTH LINE OF MARGIL FARMS FILING NO. 1 ACCORDING TO THE RECORDED PLAT THEREOF; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING 11 COURSES:

N89 12'50"E, A DISTANCE OF 1198.32 FEET; THENCE S64 45'00"E, A DISTANCE OF 245.00 FEET; THENCE S45 30'00"E, A DISTANCE OF 298.97 FEET; THENCE N89 12'50"E, A DISTANCE OF 1342.37 FEET; THENCE N81 46'08"E, A DISTANCE OF 70.00 FEET; THENCE SOUTHERLY 177.37 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 570.00 FEET, A CENTRAL ANGLE OF 17°49'43" AND IS SUBTENDED BY A CHORD THAT BEARS SOUTH 17°08'44" EAST, 176.65 FEET; THENCE S26 03'35"E, A DISTANCE OF 190.24 FEET; THENCE SOUTHERLY 220.90 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 665.00 FEET, A CENTRAL ANGLE OF 19°01'58" AND IS SUBTENDED BY A CHORD THAT BEARS SOUTH 16°32'36" EAST, 219.89 FEET; THENCE SOUTHERLY 19.29 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 11°03'06" AND IS SUBTENDED BY A CHORD THAT BEARS SOUTH 12°33'10" EAST, 19.26 FEET; THENCE SOUTHERLY 26.02 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 14°54'30" AND IS SUBTENDED BY A CHORD THAT BEARS SOUTH 10°37'28" EAST, 25.95 FEET; THENCE SOUTHERLY 28.06 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, SAID CURVE

HAVING A RADIUS OF 670.00 FEET, A CENTRAL ANGLE OF 02°23'57" AND IS SUBTENDED BY A CHORD THAT BEARS SOUTH 01°58'15" EAST, 28.05 FEET; THENCE S00 46'16"W, A DISTANCE OF 123.62 FEET TO A POINT ALONG THE NORTH R.O.W. LINE OF WCR 38;

THENCE N89 13'44"E, A DISTANCE OF 1229.79 FEET ALONG SAID NORTH R.O.W. LINE; THENCE N80 08'10"E, A DISTANCE OF 498.40 FEET ALONG SAID R.O.W. TO A POINT ON THE WEST R.O.W. LINE OF I-25; THENCE N00 02'50"E, A DISTANCE OF 2552.22 FEET TO A POINT ON THE EAST-WEST CENTER LINE OF SAID SECTION 34; THENCE S88 58'57"W, A DISTANCE OF 2371.16 FEET ALONG SAID EAST-WEST CENTER LINE TO THE CENTER ¼ CORNER OF SAID SECTION 34; THENCE N00 22'11"W, A DISTANCE OF 2650.07 FEET ALONG NORTH-SOUTH CENTER LINE OF SAID SECTION 34 TO THE NORTH ¼ CORNER OF SAID SECTION 34; THENCE S88 43'59"W, A DISTANCE OF 2611.78 FEET ALONG NORTH LINE OF THE NORTHWEST ¼ OF SAID SECTION 34 TO THE POINT OF BEGINNING.

TRACT 2 CONTAINING 393.04 ACRES MORE OR LESS.