

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 16-R-2005**

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

WHEREAS, the Board of Trustees of the Town of Mead, Colorado, on Monday, June 11, 2005, and on 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:

A portion of the South Half of Section 34, T4N, R68W of the 6th P.M., 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 Final Plat for the Margil Farms Third Filing 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 Final 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. The Margil Farms Annexation and therefore the Margil Farms Third Filing 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 proposed Final Plat conforms with the requirements and standards established in *Chapter 16, Land Use Regulations*, of the *Mead Municipal Code*.
- g. Upon testimony received during the public hearing, it is evident that the proposed Final Plat, is compatible with the approved land uses on adjacent property.
- h. Upon testimony received during the public hearing, it is evident that the proposed Final Plat preserves the health, safety, welfare and interest of the citizens of the Town of Mead, Colorado.
- i. During the public hearing, the Board of Trustees received and considered the recommendations made by the Mead Planning Commission following their public hearing on the Final Plat on June 17, 2005.

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

- a. The proposed Final 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. 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.
- f. All trails will be constructed of concrete and be 8 feet wide.
- g. The final plat mylar will not be signed and the ordinance not recorded until the engineering for the Third Filing is reviewed and approved by the Town Engineer.
- h. The proposed Final Plat of the Margil Farms Annexation, subject to the above conditions, shall be approved by ordinance.

INTRODUCED, READ, PASSED, AND SIGNED THIS 29th DAY OF August, 2005.

ATTEST:

By Marcia David
Marcia David, Acting Town Clerk

TOWN OF MEAD

By Richard E. Kraemer
Richard E. Kraemer, Mayor

Appendix A

LEGAL DESCRIPTION MARGIL FARMS FILING 3

A PORTION OF THE SOUTH HALF OF SECTION 34, T4N, R68W OF THE SIXTH PRINCIPAL MERIDIAN, WELD COUNTY, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 34; THENCE ALONG THE WEST LINE OF SAID SECTION 34 S00°17'50"E, A DISTANCE OF 709.13 FEET; THENCE N89 42'10"E A DISTANCE OF 30.00 FEET TO A POINT ON THE EAST R.O.W. LINE OF WELD COUNTY ROAD NO. 7 AND THE **POINT OF BEGINNING**; THENCE N88 50'16"E, A DISTANCE OF 169.51 FEET; THENCE S82 39'24"E, A DISTANCE OF 160.20 FEET; THENCE S70°22'07"E, A DISTANCE OF 194.23 FEET; THENCE S19 37'53"W, A DISTANCE OF 51.34 FEET; THENCE S70 22'07"E, A DISTANCE OF 126.28 FEET; THENCE S7936'50"E, A DISTANCE OF 1124.17 FEET; THENCE S10 23'10"W, A DISTANCE OF 8.45 FEET; THENCE S79 36'50"E, A DISTANCE OF 175.15 FEET; THENCE N58 56'04"E, A DISTANCE OF 117.27 FEET; THENCE N77 17'35"E, A DISTANCE OF 105.55 FEET; THENCE N60 13'42"E, A DISTANCE OF 222.76 FEET; THENCE N29 46'18"W, A DISTANCE OF 7.51 FEET; THENCE N60 13'42"E, A DISTANCE OF 460.00 FEET; THENCE N29 46'07"W, A DISTANCE OF 16.07 FEET; THENCE N60 13'43"E, A DISTANCE OF 575.36 FEET; THENCE SOUTHERLY 827.14 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 2565.00 FEET, A CENTRAL ANGLE OF 18°28'34" AND IS SUBTENDED BY A CHORD THAT BEARS S37°17'24"E, 823.56 FEET; THENCE N61 56'53"E, A DISTANCE OF 70.00 FEET; THENCE SOUTHERLY 911.55 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 2635.00 FEET, A CENTRAL ANGLE OF 19°49'15" AND IS SUBTENDED BY A CHORD THAT BEARS S18°08'29"E, 907.01 FEET; THENCE S08 13'52"E, A DISTANCE OF 112.73 FEET TO A POINT ON THE NORTH LINE OF MARGIL FARMS FILING NO. 1 ACCORDING TO THE RECORDED PLAT THEREOF; THENCE ALONG SAID NORTH LINE OF MARGIL FARMS FILING NO. 1 THE FOLLOWING FIVE (5) COURSES: THENCE S81 46'08"W, A DISTANCE OF 70.00 FEET; THENCE S89 12'50"W, A DISTANCE OF 1342.37 FEET; THENCE N43 30'00"W, A DISTANCE OF 298.98 FEET; THENCE N64 45'00"W, A DISTANCE OF 245.00 FEET; THENCE S89 12'50"W, A DISTANCE OF 1198.32 FEET TO A POINT ON THE EAST R.O.W. LINE OF WELD COUNTY ROAD NO. 7; THENCE ALONG SAID EAST R.O.W. LINE N00 17'50"W, A DISTANCE OF 839.91 FEET TO THE **POINT OF BEGINNING**;

THUS DESCRIBED PARCEL CONTAINS 68.61 ACRES MORE OR LESS.