

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 8 - R - 2001**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, GRANTING
CONSTRUCTION APPROVAL OF THE PUBLIC IMPROVEMENTS FOR THE
MARGIL FIRST FILING SUBDIVISION AND COMMENCING THE
WARRANTY PERIOD.**

WHEREAS, MFD LLC hereinafter know as the “Developer” has completed construction of the public improvements for the Margil First Filing Subdivision in the Town of Mead; and

WHEREAS, Developer has requested approval and acceptance of the construction of said public improvements by the Board of Trustees of the Town of Mead for the commencement of the one year warranty period before final acceptance of said improvements for maintenance by the Town; and

WHEREAS, Developer has provided “As-built” drawings of the public improvements which have been reviewed and approved by the Town Engineer; and

WHEREAS, the Town’s consulting engineer has reviewed the construction of the public improvements associated with the Margil First Filing subdivision, including but not limited to streets, water lines, drainage swales and culverts within the development and found said public improvements to be constructed and installed in substantial conformance with the Town’s construction standards; and

WHEREAS, Developer has provided to the Town security, acceptable to the Town, in an amount equal to ten percent (10%) of the actual cost of construction of the public improvements, as certified to the Town by the Developer by letter from the Developer’s representative dated December 5, 2000; and

WHEREAS, it is the expressed intent of the Board of Trustees that this Resolution is adopted *nunc pro tunc* on September 1, 2000;

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF MEAD,
COLORADO, AS FOLLOWS:**

Section 1. The Board of Trustees on behalf of the Town of Mead, hereby accepts the public improvements lying within the Margil First Filing subdivision for the purpose for which they were constructed and installed with the following conditions.

(a) Said acceptance is limited to the commencement of the one year warranty period for the public improvements, during which the Developer is solely responsible for maintenance and repairs of the public improvements, with the exception of snow removal. Not more than 30 days before the expiration of the one year warranty period, the public improvements will be inspected by the Town at the Developer’s request and the Developer shall immediately make all repairs to said improvements as may be required by the Town. Failure to request the inspection, or to complete required repairs, will result in the automatic extension of the warranty period on a month to month basis until such time as the repairs are completed, inspected and accepted by the Town. Upon the expiration of the warranty period and the acceptance of the public improvements for maintenance by the Town, the Town shall assume the maintenance of the public improvements dedicated to the Town on the plat.

(b) The Developer shall provide to the Town, in a form acceptable to the Town, security in the amount of ten percent (10%) of the actual cost of construction of the public improvements, as certified to the Town by the Developer.

Section 2. Effective Date. This Resolution is adopted *nunc pro tunc* on September 1, 2000, and shall become effective upon the date so adopted.

Section 3. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance 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 be declared invalid.

Section 4. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the Town of Mead or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, no revive any ordinance, resolution or motion thereby.

INTRODUCED, READ, PASSED, ADOPTED THIS 14th DAY OF May, 2001

TOWN OF MEAD

By 

Keith A. Goshia, Mayor

ATTEST:


Judy L. Hegwood, Town Clerk