

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 870**

AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, APPROVING THAT CERTAIN FIRST AMENDMENT TO ANNEXATION AGREEMENT (LAKE RIDGE ANNEXATION), APPROVING THE LAKE RIDGE FINAL PLAT AMENDMENT NO. 1 (AN ADMINISTRATIVE SUBDIVISION PLAT PROCESSED IN ACCORDANCE WITH SEC. 16-4-110 OF THE MEAD MUNICIPAL CODE), APPROVING THE LAKE RIDGE FINAL PLAT AMENDMENT NO. 2 (A MINOR SUBDIVISION PLAT PROCESSED IN ACCORDANCE WITH SEC. 16-4-80 OF THE MEAD MUNICIPAL CODE) AND REPEALING SECTION 3.N. OF ORDINANCE NO. 404 DATED FEBRUARY 12, 2001

WHEREAS, the Town of Mead is authorized pursuant to Title 31, Article 23, C.R.S. and Article IV of Chapter 16 of the *Mead Municipal Code* to regulate the subdivision of land; and

WHEREAS, the applicant, RS Livestock, LLC, a Colorado limited liability company (“Applicant”), submitted to the Town an application for an administrative subdivision plat for Lot 1 and Lot 2 of the Lake Ridge Final Plat (the “Subject Property”), seeking to adjust the lot line between Lot 1 and Lot 2, with the new lots to be designated as Lot 1A and Lot 2A (“Administrative Plat Application”); and

WHEREAS, the Applicant has also submitted an application for a minor subdivision plat, seeking to resubdivide Lot 2A, Lake Ridge Final Plat Amendment No. 1 into two (2) legal lots (“Minor Subdivision Application”); and

WHEREAS, the Lake Ridge Final Plat was conditionally approved on March 1, 2001 and recorded on March 8, 2018, at Reception No. 2831082 in the real property records of Weld County, Colorado; and

WHEREAS, the Town’s administrative plat procedures provide a simple administrative subdivision process to correct technical errors on a recorded subdivision plat or adjust one or more lot lines where certain conditions have been satisfied; and

WHEREAS, the Town’s minor subdivision plat procedures provide a process to subdivided land when the following conditions exist: (1) the property has been previously platted within the Town; (2) there is no public right-of-way dedication; (3) the entire tract to be subdivided is less than 10 acres in size; and (4) the resulting subdivision will produce six or fewer lots; and

WHEREAS, as set forth above Applicant desires to amend the Lake Ridge Final Plat to adjust the lot lines between Lot 1 and Lot 2 and resubdivide Lot 2A, Lake Ridge Final Plat Amendment No. 1 into two (2) legal lots; and

WHEREAS, Town Staff has reviewed the Administrative Subdivision Application and the Minor Subdivision Application and has determined that the applicable review criteria set forth in Sec. 16-4-110(3)(f) and 16-4-80(c)(1) and (2) have been satisfied; and

WHEREAS, Town Staff has conditionally approved the Administrative Subdivision Application and the Minor Subdivision Application; and

WHEREAS, Sec. 16-4-110(3)(g) and Sec. 16-4-80(b)(8) of the *Mead Municipal Code* require that the finalized administrative subdivision plat (“Administrative Subdivision Plat”) and minor subdivision plat (“Minor Subdivision Plat”) be presented to the Board of Trustees for its adoption by ordinance; and

WHEREAS, the Subject Property is encumbered, in part, by the following documents recorded of record:

- (1) That certain Annexation Agreement dated September 26, 2000 and recorded October 16, 2000 at Reception No. 2800300 in the real property records of Weld County, Colorado regarding Lake Ridge Annexation Nos. 1 – 3 (the “Annexation Agreement”); and
- (2) Town of Mead Ordinance No. 404 dated February 12, 2001 and recorded on March 8, 2018, at Reception No. 2831081 in the real property records of Weld County, Colorado (the “Prior Ordinance”); and

WHEREAS, Exhibit F, paragraph 9 of the Annexation Agreement contains the following restriction:

“There shall be not more than two additional building sites (lots) for single family homes and accessory buildings.”

WHEREAS, Section 3.n. of the Prior Ordinance contains a similar restriction, to wit:

“No more than two additional principal buildings, one each on Lots 1 and 2, shall be permitted in the [Lake Ridge] subdivision.”

WHEREAS, in order to take action on the Minor Subdivision Application and Minor Subdivision Plat, the Applicant has requested that the Town cooperate to: (1) amend the Annexation Agreement, as necessary, to delete or remove the restriction set forth in Exhibit F, Paragraph 9 of the Annexation Agreement, and (2) repeal Section 3.n. of the Prior Ordinance; and

WHEREAS, the Board of Trustees desires to approve that certain First Amendment to Annexation Agreement in substantially the form attached hereto as **Exhibit 1** (the “First Amendment”) and further desires to repeal Section 3.n. of the Prior Ordinance; and

WHEREAS, the Board of Trustees further desires to adopt the proposed Administrative Subdivision Plat and Minor Subdivision Plat; and

WHEREAS, the record for this case includes, but is not limited to, Chapter 16 of the *Mead Municipal Code*, the Town of Mead Comprehensive Plan (2018), the Annexation Agreement, the First Amendment, the Prior Ordinance, the Lake Ridge Final Plat, the Administrative Subdivision Application, the Minor Subdivision Application, and all other applicable ordinances, resolutions, and regulations, together with the Town's policies for processing plat amendment applications, the staff files and reports, any and all submittals by the Applicant and members of the public, and the tape recordings and minutes of the Board of Trustees meeting(s) at which this application was considered; and

WHEREAS, the Applicant has agreed to all conditions of approval recommended by Town staff; and

WHEREAS, the Board of Trustees has determined that the Administrative Subdivision Plat and Minor Subdivision Plat, replatting the Subject Property, meet all applicable requirements of the *Mead Municipal Code*, the Mead Comprehensive Plan, and all other applicable ordinances, resolutions and regulations, and that the Administrative Subdivision Plat and Minor Subdivision Plat advance the public health, safety, convenience and general welfare of the residents of the Town, subject to the conditions set forth herein; and

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

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Administrative Subdivision Plat Approved. As required by Sec. 16-4-110(3)(g) of the *Mead Municipal Code*, the Administrative Subdivision Plat is hereby approved by the Board of Trustees.

Section 3. Minor Subdivision Plat Approved. As required by Sec. 16-4-80(b)(8) of the *Mead Municipal Code*, the Minor Subdivision Plat is hereby approved by the Board of Trustees.

Section 4. Approval of the Administrative Subdivision Plat and Minor Subdivision Plat shall be and is subject to the following stipulations and conditions of approval that must be satisfied prior to recordation of the Administrative Subdivision Plat and Minor Subdivision Plat:

- a. The Applicant shall title the Administrative Subdivision Plat as follows:

**LAKE RIDGE FINAL PLAT AMENDMENT NO. 1, AN
ADMINISTRATIVE SUBDIVISION PLAT ALTERING THE
BOUNDARY LINES BETWEEN LOT 1 AND LOT 2, LAKE RIDGE**

FINAL PLAT, LOCATED IN THE SOUTHEAST QUARTER OF SECTION THIRTEEN, TOWNSHIP THREE NORTH, RANGE SIXTY-EIGHT WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF MEAD, COUNTY OF WELD, STATE OF COLOARDO

b. The Applicant shall title the Minor Subdivision Plat as follows:

LAKE RIDGE FINAL PLAT AMENDMENT NO. 2, A MINOR SUBDIVISION PLAT RELATTING LOT 2A, LAKE RIDGE FINAL PLAT AMENDMENT NO. 1, LOCATED IN THE SOUTHEAST QUARTER OF SECTION THIRTEEN, TOWNSHIP THREE NORTH, RANGE SIXTY-EIGHT WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF MEAD, COUNTY OF WELD, STATE OF COLOARDO

c. The Applicant shall insert a “Lender Approval and Subordination Certificate” on the Administrative Subdivision Plat and Minor Subdivision Plat in a form acceptable to the Town’s Planning Director, to be executed by 2013-1 NCRE Venture, LLC, a Colorado limited liability company, and any other parties that have a mortgage interest in the Subject Property.

d. The Applicant shall resolve all minor technical issues, as directed by Town staff, on the Administrative Subdivision Plat and Minor Subdivision Plat.

e. The Applicant shall pay all reasonable fees and costs incurred by the Town and its consultants in reviewing and processing the Administrative Subdivision Plat, the Minor Subdivision Plat, and in preparing and processing the First Amendment.

f. The applicant shall include a purpose statement on the Minor Subdivision Plat substantially as follows: The purpose of this Final Plat Amendment No. 2 is to replat Lot 2A, Lake Ridge Final Plat Amendment No. 1, into two lots (Lot 2A and Lot 2B), each consisting of 1.423 acres, more or less, as more particularly shown herein.

g. The Applicant’s performance of all commitments and promises made by the Applicant and/or its representatives and stated to the Board of Trustees on the record, or contained within the materials submitted to the Board of Trustees.

h. The Applicant’s compliance with any additional conditions of approval stated in the motion of the Board of Trustees for approval of this Ordinance.

i. The Administrative Subdivision Plat shall be recorded in the real property records of Weld County, Colorado prior to recordation of the Minor Subdivision Plat.

Section 5. Approval of First Amendment. The Board of Trustees hereby: (a) approves the First Amendment to Annexation Agreement in substantially the form attached to this Ordinance as **Exhibit 1**; (b) authorizes the Town Attorney, in consultation with the Mayor Pro Tem and Town Manager, to make such changes as may be necessary to correct any non-material errors or language in the First Amendment that do not increase the obligations of the Town; and (c) authorizes the Mayor or Mayor Pro Tem to execute the First Amendment and the Town Clerk to attest the Agreement when in final form. Following mutual execution of the First Amendment by the Town and Applicant, the Town shall cause the executed First Amendment to be recorded against the Subject Property in the real property records of Weld County, Colorado at Applicant's cost and expense.

Section 6. Repeal of Section 3.n. of Prior Ordinance. Section 3.n. of Ordinance No. 404 dated February 12, 2001 and recorded on March 8, 2018, at Reception No. 2831081 in the real property records of Weld County, Colorado, is hereby repealed in its entirety.

Section 7. Town staff is authorized to make any changes to the mylar form of the Administrative Subdivision Plat and Minor Subdivision Plat as may be needed to conform the documents to the form and content requirements of Chapter 16 of the *Mead Municipal Code* in existence at the time the documents are submitted for signature. Upon the Applicant's completion of any and all changes to the revised Administrative Subdivision Plat and Minor Subdivision Plat mylars as may be required by this Ordinance, the Mayor or Mayor Pro Tem shall be authorized to sign the same on behalf of the Town.

Section 8. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 9. Recording. Following the effective date of this Ordinance, a copy of this Ordinance shall be recorded in the real property records of Weld County, Colorado.

Section 10. 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 Board of Trustees 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 part, section, subsection, sentence, clause or phrase is declared invalid.

Section 11. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 12. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 25TH DAY OF JUNE, 2018.

ATTEST:

TOWN OF MEAD:

By: Mary E. Stutt
Mary E. Stutt, CMC, Town Clerk



By: Joyce E. Palaszewski
Joyce E. Palaszewski, Mayor Pro Tem

Exhibits:

Exhibit 1 – First Amendment (to Annexation Agreement)

Exhibit 1

**FIRST AMENDMENT
TO
ANNEXATION AGREEMENT
LAKE RIDGE ANNEXATION NO. 1, LAKE RIDGE ANNEXATION NO. 2, AND LAKE
RIDGE ANNEXATION NO. 3 ANNEXATIONS TO THE TOWN OF MEAD**

(attached)

**FIRST AMENDMENT
TO
ANNEXATION AGREEMENT
LAKE RIDGE ANNEXATION NO. 1, LAKE RIDGE ANNEXATION NO. 2, AND LAKE
RIDGE ANNEXATION NO. 3 ANNEXATIONS TO THE TOWN OF MEAD**

THIS FIRST AMENDMENT TO ANNEXATION AGREEMENT (“First Amendment”) is entered into by and between the **TOWN OF MEAD, COLORADO**, a municipal corporation of the State of Colorado (the “City”) and **RS LIVESTOCK LLC**, a Colorado limited liability company (the “Owner”) (together, the “Parties”).

RECITALS AND REPRESENTATIONS

WHEREAS, the Town and William E. Harper (“Harper”) entered into that certain Annexation Agreement for the Lake Ridge Annexation Nos. 1 – 3 dated September 26, 2000 and recorded on October 16, 2000 at Reception No. 2800300 in the real property records of Weld County, Colorado (the “Agreement”); and

WHEREAS, the Owner has acquired all of Harper’s interest in the following described property:

Lots 1 and 2, Lake Ridge, according to the plat thereof recorded March 8, 2001 as Reception No. 2831082, Town of Mead, County of Weld, State of Colorado

consisting of approximately 4.269 acres, more or less (the “Subject Property”); and

WHEREAS, Owner acquired the Subject Property from 2013-1 NCRE Venture, LLC, a Colorado limited liability company, by Bargain and Sale dated June 1, 2015 and recorded on June 8, 2015 at Reception No. 4113837 in the Weld County records; and

WHEREAS, the Subject Property consists of a portion of the approximate 21.134 acres annexed to the Town of Mead by Ordinance Nos. 391, 392 and 393 dated September 25, 2000; and

WHEREAS, pursuant to paragraph 20.d. of the Agreement, the Agreement is binding on Harper’s successors in interest; and

WHEREAS, paragraph 20.c. of the Agreement requires that any amendment to the Agreement must be in writing and signed by both Parties; and

WHEREAS, Owner has submitted an application to the Town for an administrative subdivision plat for the Subject Property seeking to adjust the lot line between Lot 1 and Lot 2, with the new lots to be designated as Lot 1A and Lot 2A (the “Administrative Plat Application”); and

WHEREAS, the Owner has also submitted an application for a minor subdivision plat, seeking to resubdivide Lot 2A, Lake Ridge Final Plat Amendment No. 1 into two (2) legal lots of approximately 1.423 acres per lot (the “Minor Subdivision Application”); and

WHEREAS, the net effect of the Town’s action on the Minor Subdivision Application will be to add one (1) lot; and

WHEREAS, Exhibit F, paragraph 9 of the Agreement contains the following restriction:

“There shall be not more than two additional building sites (lots) for single family homes and accessory buildings.”

WHEREAS, the Parties desire to amend the Agreement to delete Exhibit F, paragraph 9, in its entirety in order to permit the Minor Subdivision Application to be processed and approved by the Town and to ensure that approval of the Minor Subdivision Application does not violate the restriction set forth in Exhibit F, paragraph 9 of the Agreement; and

NOW, THEREFORE, in consideration of the benefits and obligations of the Agreement and this First Amendment, the Parties mutually agree as follows:

1.0 DELETION OF EXHIBIT F – PARAGRAPH 9.

Paragraph 9 of Exhibit F of the Agreement shall be revised as follows, with deletions shown in strikethrough and additions shown in underline:

- 9. ~~There shall be not more than two additional building sites (lots) for single family homes and accessory buildings~~ [Reserved].

2.0 EFFECTIVE DATE OF FIRST AMENDMENT

This First Amendment shall be effective on the effective date of Ordinance No. 870, an Ordinance Approving the First Amendment to Annexation Agreement.

3.0 NO OTHER MODIFICATION OF AGREEMENT

The Parties do not intend by this First Amendment to modify the terms and conditions of the Agreement except as expressly provided by this First Amendment. Nothing in this First Amendment shall affect any portion of Lot 3, Lake Ridge, according to the plat thereof recorded March 8, 2001 as Reception No. 2831082, Town of Mead, County of Weld, State of Colorado.

4.0 RECORDING OF FIRST AMENDMENT

Following the Effective Date of this First Amendment, as set forth in Section 2.0 above, the Town Clerk’s Office shall cause a copy of this First Amendment to be recorded in the real property records of Weld County, Colorado.

5.0 AUTHORITY

The individuals executing this First Amendment represent that they are expressly authorized to enter into this First Amendment on behalf of the Town of Mead and the Owner and bind their respective entities.

Dated this 25th day of _____ June ___, 2018.

TOWN OF MEAD, COLORADO

By: Joyce E. Palaszewski
Joyce E. Palaszewski, Mayor Pro Tem, Authorized Pursuant to Ordinance No. 870

Date of execution: _____ June 25th ___, 2018

ATTEST:

REVIEWED BY:

Mary E. Strutt
Mary Strutt, CMC, Town Clerk



Marcus McAskin
Marcus McAskin, Town Attorney

[This space intentionally blank. Signature page of Owner follows].

OWNER: RS LIVESTOCK LLC, a Colorado limited liability company

By: *RJR*

Name: *Roberta Reid*

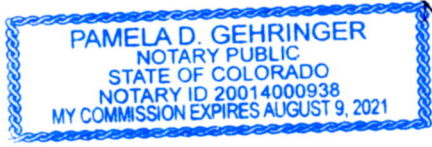
Title: *owner*

STATE OF COLORADO)
) ss.
COUNTY OF *Weld*)

The foregoing instrument was acknowledged before me this *3* day of *July* , 2018, by *Roberta Reid* as *owner* of RS LIVESTOCK LLC, a Colorado limited liability company. Witness my hand and official seal.

My commission expires: *8/9/21*

[SEAL]



 P. Gehring
Notary Public