

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 932**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO,
APPROVING THE ST. ACACIUS SUBDIVISION–REPLAT NO. 1**

WHEREAS, the Town of Mead (the “Town”) is authorized pursuant to Title 31, Article 23, C.R.S. and the Town of Mead Land Use Code (the “Land Use Code”) to regulate the subdivision of land; and

WHEREAS, SECOND ROYALTY LLC, a Colorado limited liability company (“Applicant”) has submitted an application for a subdivision designated as ST. ACACIUS SUBDIVISION – REPLAT NO. 1 (the “Final Plat”) for property consisting of 110.909 acres, more or less, and located generally in the West Half of Section 35, Township 3 North, Range 68 West of the 6th Principal Meridian, Weld County, State of Colorado, and more particularly described in **Exhibit A** attached hereto (the “Property”); and

WHEREAS, the Applicant is the current record owner of the Property, with the possible exception of Outlots F, I, and FF; and

WHEREAS, the plat of St. Acacius Subdivision, recorded on April 5, 2007, with the Weld County Clerk and Recorder at Rec. No. 3467127, purported to dedicate to the Town Outlots F, I, and FF (the “Outlots”), or partial interests therein; and

WHEREAS, the effectiveness and validity of such purported dedication is indeterminate, creating a cloud on title to portions of the Property, and the Town does not desire to own and maintain the Outlots, such being inconsistent with the Final Plat; and

WHEREAS, the Board of Trustees of the Town (the “Board”) desires to authorize the Mayor to execute a quitclaim deed to convey the Town’s interest (if any) in the Outlots to the Applicant, in order to permit and facilitate the replatting and development of the Property, consistent with the Final Plat; and

WHEREAS, Section 16-4-70 of the Mead Municipal Code (“MMC”) authorizes administrative staff review and approval of the Final Plat, subject to confirmation by the Board through the adoption of an ordinance approving the Final Plat; and

WHEREAS, the Applicant is proposing 222 single-family residential lots in the Final Plat, consistent with the Preliminary Plat that was approved on November 4, 2014 by Resolution No. 42-R-2014; and

WHEREAS, the administrative record for this matter includes, but is not limited to, the Land Use Code, the Town of Mead Comprehensive Plan, all other applicable ordinances, resolutions and regulations, the staff files and reports of the Planning Director and Town Engineer related to the Final Plat, any and all submittals by the Applicant and members of the public, and the tape recordings and minutes of the Board meeting at which the Final Plat was considered; and

WHEREAS, the Applicant has agreed to all conditions of approval as stated in this ordinance; and

WHEREAS, the Board has determined that the St. Acacius Subdivision – Replat No. 1 meets all applicable requirements of the Land Use Code and MMC and that the review criteria set forth in Section 16-4-70(b)(8) of the MMC have been satisfied; and

WHEREAS, a detailed Subdivision Improvement Agreement (SIA) has been prepared by and between the Town and the Applicant in accordance with the requirements of Section 16-4-130 of the MMC; and

WHEREAS, the SIA is presently filed of record with the Town Clerk; and

WHEREAS, the Board has further determined that approval of the Final Plat will advance the public health, safety, convenience and general welfare of the residents of the Town, subject to the conditions of approval as hereinafter set forth.

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

Section 1. The Final Plat designated as ST. ACACIUS SUBDIVISION – REPLAT NO. 1, be approved subject to the following conditions of approval:

- a. Prior to and as a condition of recordation of the Final Plat, the Applicant shall resolve/correct any and all minor technical issues as directed by Town Staff and comply with any and all comments from applicable public entities; and
- b. The Applicant shall pay all fees and costs incurred by the Town and its consultants, including without limitation legal fees and costs, for review and processing of the Final Plat application within forty-five (45) days of receiving an invoice from the Town. If the fees and costs are not paid within forty-five (45) days of receiving an invoice, the Town may withhold issuance of building permits or further approvals until the invoices have been paid.

Section 2. Subject to the satisfaction of the conditions set forth in Section 1 above, the Mayor shall be authorized to execute a quitclaim deed to the Applicant conveying all the Town's interests (if any) in the Outlots, as referenced in the Recitals above. Town Staff shall ensure the recording of such deed with the Weld County Clerk and Recorder prior to the recordation of the Final Plat and the SIA.

Section 3. The SIA is hereby approved, in substantially the form presently on file with the Town Clerk. The Town Manager and Town Attorney shall be authorized to negotiate and make non-material changes to the SIA that do not increase the Town's obligations. The Town Manager shall be authorized to execute the SIA on behalf of the Town once the SIA has been finalized.

Section 4. Subject to review and approval of the Final Plat mylar by the Town Staff, and satisfaction of the conditions set forth in Section 1 above, the Mayor and other Town officials, as applicable, are hereby authorized to sign the Final Plat mylar.

Section 5. Prior to the issuance of a building or grading permit for the Property, the Applicant shall submit the documentation to the Town Clerk, as required by Section 16-4-70(b)(10) of the MMC.

Section 6. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 7. Repealer. All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 8. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

Section 9. 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 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 10. 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 11. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted ordinance available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 26TH DAY OF MAY, 2020.

ATTEST:

By: _____

Mary E. Strutt, MMC, Town Clerk



TOWN OF MEAD

By: _____

Colleen G. Whitlow, Mayor

EXHIBIT A
Legal Description
St. Acacius Subdivision – Replat No. 1

ALL LOTS AND TRACTS IN ST. ACACIUS SUBDIVISION, TOWN OF MEAD, COUNTY OF WELD, STATE OF COLORADO, TOGETHER WITH OUTLOTS F, I AND FF IN SAID SUBDIVISION; CONTAINING 110.909 ACRES OF LAND.