

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 942**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO,
APPROVING THE HIGHLANDS FILING NO. 2 FINAL PLAT**

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

WHEREAS, HIGHLANDS MEAD LLC, a Colorado limited liability company and owner of the Property, by and through its registered agent, PROSPER LAND & DEVELOPMENT, LLC, a Colorado limited liability company (“Applicant”) has submitted an application for a subdivision designated as THE HIGHLANDS FILING NO. 2 FINAL PLAT (“Final Plat”) for property consisting of 20.86 acres, more or less, and located generally in the Northwest Quarter of Section 10, 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; 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 of Trustees through the adoption of an ordinance approving the Final Plat; and

WHEREAS, the Applicant is proposing 49 single-family residential lots in the Final Plat, consistent with both the Preliminary Plat that was approved by the Town Board of Trustees on June 10, 2019 and the Planned Unit Development Overlay for the Property that was approved on November 13, 2018; and

WHEREAS, the administrative record for this matter includes, but is not limited to, the Town of Mead 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 of Trustees 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 of Trustees has determined that the Final Plat meets all applicable requirements of the Town of Mead 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 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 of Trustees 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 THE HIGHLANDS FILING NO. 2 FINAL PLAT, 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;
- 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; and
- c. The fully executed SIA shall be recorded in the Weld County real property records with the Final Plat.

Section 2. 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 3. 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 4. 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 5. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 6. 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 7. 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 8. 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 28TH DAY OF SEPTEMBER, 2020.

ATTEST:

By: 
Mary E. Strutt, MMC, Town Clerk



TOWN OF MEAD


By: 
Colleen G. Whitlow, Mayor

EXHIBIT A
Legal Description
The Highlands Filing No. 2

A PARCEL OF LAND BEING A REPLAT OF TRACTS H, I, AND K OF THE HIGHLANDS FILING NO. 1, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 4539553, OF THE RECORDS OF WELD COUNTY, STATE OF COLORADO, LOCATED IN THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 3 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, WELD COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID NORTHWEST QUARTER OF SAID SECTION 10;

THENCE SOUTH 00°14'26" EAST ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF SAID SECTION 10, A DISTANCE OF 35.00 FEET, TO A POINT ON THE WEST LINE OF COYOTE RUN SUBDIVISION AS DESCRIBED AT RECEPTION NO. 2951802, SAID POINT BEING THE POINT OF BEGINNING;

THENCE SOUTH 00°24'21" EAST ALONG SAID EAST LINE, A DISTANCE OF 1056.06 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF HUGHES DRIVE OF SAID HIGHLANDS FILING NO. 1.

THENCE ALONG SAID NORTH RIGHT OF WAY THE FOLLOWING NINE (9) COURSES:

- 1) SOUTH 89°35'39" WEST, A DISTANCE OF 117.00 FEET TO A POINT OF CURVATURE;
- 2) ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 8.00 FEET, A LENGTH OF 12.57 FEET, A CHORD DISTANCE OF 11.31 FEET, A CHORD THAT BEARS NORTH 45°24'21" WEST, AND A DELTA OF 90°00'00";
- 3) SOUTH 89°35'39" WEST, A DISTANCE OF 60.00 FEET TO A POINT OF NON-TANGENT CURVE;
- 4) ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 8.00 FEET, A LENGTH OF 12.59 FEET, A CHORD DISTANCE OF 11.33 FEET, A CHORD THAT BEARS SOUTH 44°40'30" WEST, AND A DELTA OF 90°10'36" TO A POINT OF CURVATURE;
- 5) ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 470.00 FEET, A LENGTH OF 39.78 FEET, A CHORD DISTANCE OF 39.77 FEET, A CHORD THAT BEARS NORTH 87°49'51" WEST, AND A DELTA OF 4°50'59";
- 6) NORTH 85°24'21" WEST, A DISTANCE OF 97.05 FEET TO A POINT OF CURVATURE;
- 7) ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 280.00 FEET, A LENGTH OF 261.59 FEET, A CHORD DISTANCE OF 252.18 FEET, A CHORD THAT BEARS SOUTH 67°49'49" WEST, AND A DELTA OF 53°31'40";
- 8) SOUTH 41°03'59" WEST, A DISTANCE OF 62.30 FEET TO A POINT OF CURVATURE;
- 9) ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 8.00 FEET, A LENGTH OF 12.57 FEET, A CHORD DISTANCE OF 11.31 FEET, A CHORD THAT BEARS SOUTH 86°03'39" WEST, AND A DELTA OF 90°00'00" TO A POINT ON THE

NORTH RIGHT OF WAY OF CHILTON DRIVE OF SAID HIGHLANDS FILING NO. 1;

THENCE NORTH 48°56'01" WEST ALONG SAID NORTH RIGHT OF WAY, A DISTANCE OF 0.78 FEET;

THENCE NORTH 41°03'59" EAST, A DISTANCE OF 110.00 FEET;

THENCE NORTH 48°56'01" WEST, A DISTANCE OF 50.00 FEET;

THENCE NORTH 52°02'10" WEST, A DISTANCE OF 61.73 FEET;

THENCE NORTH 61°12'49" WEST, A DISTANCE OF 64.92 FEET;

THENCE NORTH 70°45'47" WEST, A DISTANCE OF 64.92 FEET;

THENCE NORTH 80°18'44" WEST, A DISTANCE OF 64.92 FEET;

THENCE NORTH 89°02'34" WEST, A DISTANCE OF 59.46 FEET;

THENCE SOUTH 88°51'54" WEST, A DISTANCE OF 8.48 FEET TO THE SOUTHEAST CORNER OF THAT PROPERTY DESCRIBED AT RECEPTION NO. 2920493;

THENCE NORTH 00°23'54" WEST ALONG THE EAST LINE OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 2920493, A DISTANCE OF 955.00;

THENCE NORTH 88°52'10" EAST, A DISTANCE OF 879.40 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 908,892 SQUARE FEET, OR 20.865 ACRES MORE OR LESS.