

**TOWN OF MEAD, COLORADO  
RESOLUTION NO. 90-R-2020**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO,  
APPROVING THE ASSIGNMENT OF THE SUBDIVISION IMPROVEMENT  
AGREEMENT FOR ST. ACACIUS SUBDIVISION – REPLAT NO. 1**

**WHEREAS**, Second Royalty, LLC, a Colorado limited liability company (“Second Royalty”) was the former owner of the real property known as the St. Acacius Subdivision – Replat No. 1, in the Town of Mead, Colorado, as more particularly described as follows:

ST. ACACIUS SUBDIVISION-REPLAT NO. 1, ACCORDING TO THE PLAT  
THEREOF RECORDED SEPTEMBER 14, 2020 UNDER RECEPTION NO.  
4629456 AND RE-RECORDED OCTOBER 22, 2020 UNDER RECEPTION NO.  
4643190, COUNTY OF WELD, STATE OF COLORADO

(the “Property”); and

**WHEREAS**, Second Royalty agreed to sell the Property to Forestar (USA) Real Estate Group Inc., a Delaware corporation (“Forestar”), having an address of 10700 Pecan Park Blvd., Austin, TX 78750; and

**WHEREAS**, Forestar closed on the acquisition of the property on October 26, 2020; and

**WHEREAS**, on September 14, 2020, the Town and Second Royalty entered into that certain Subdivision Improvement Agreement for St. Acacius Subdivision – Replat No. 1 (the “SIA”); and

**WHEREAS**, the SIA was recorded in the Weld County real property records on September 14, 2020 at Reception No. 4629455; and

**WHEREAS**, Section XVII.B. of the SIA requires approval by the Town Board of Trustees (the “Board”) of any proposed assignment of the SIA by Second Royalty; and

**WHEREAS**, Second Royalty and Forestar have requested the Board’s approval of the assignment of the rights, duties, obligations, responsibilities and benefits under the SIA to Forestar; and

**WHEREAS**, the terms of the proposed assignment of the SIA have been agreed to by and between Second Royalty and Forestar; and

**WHEREAS**, specifically, that certain Assignment and Assumption of Subdivision Improvement Agreement (the “Assignment”) has been executed by each of Second Royalty and Forestar and the original executed Assignment is on file with the Town Clerk; and

**WHEREAS**, a copy of the Assignment is attached to this Resolution as **Exhibit 1**; and

**WHEREAS**, the Board desires to approve the Assignment and further desires to authorize the Town Manager to execute the acknowledgment signature block set forth in the Assignment on behalf of the Town,

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

**Section 1.** The foregoing recitals and findings are incorporated herein as findings and conclusions of the Board of Trustees.

**Section 2.** The Board of Trustees hereby: (a) approves the Assignment of the SIA in substantially the same form attached hereto as **Exhibit 1**; (b) authorizes the Town Attorney in cooperation with the Town Manager to make non-material changes to the Assignment that do not increase the Town's obligations; and (c) authorizes the Town Manager to execute the acknowledgment signature block set forth in the Assignment on behalf of the Town.

**Section 3.** Following the execution of the Assignment by the Town Manager, the Town Clerk shall cause the original Assignment to be recorded in the real property records of Weld County, Colorado.

**Section 4. Effective Date.** This resolution shall be effective immediately upon adoption.

**Section 5. 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 6. 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.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 9th DAY OF NOVEMBER, 2020.**

**ATTEST:**

By

  
Mary E. Strutt, MMC, Town Clerk

**TOWN OF MEAD**

By

  
Colleen G. Whitlow, Mayor

Attachments

**Exhibit 1 - Assignment and Assumption of Subdivision Improvement Agreement**