

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 92-R-2020**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, APPROVING A
PUBLIC ROAD CROSSING LICENSE WITH GREAT WESTERN RAILWAY
OF COLORADO, LLC**

WHEREAS, the Town of Mead desires to facilitate the reconstruction, maintenance and use of a public road crossing at Mile Post 7.26 along WCR 32 (“Road Crossing”) as more particularly described in that certain Public Road Crossing License (“License Agreement”) to be entered into by and between the Town and Great Western Railway of Colorado, LLC, a Colorado limited liability company (“Great Western”); and

WHEREAS, certain improvements associated with the Road Crossing will be installed by Great Western, subject to reimbursement by the Town for Great Western’s costs associated therewith, plus fifteen percent (15%) as a charge for supervision, accounting and overhead, as more particularly set forth in Article II.A. of the License Agreement; and

WHEREAS, certain improvements associated with the Road Crossing will be installed by the contractor hired by the developer of the Sorrento subdivision (the “Developer”), being GLH Construction, Inc., to complete the County Road 32 Improvements (“CR 32 Improvements”) identified in that certain Subdivision Improvement Agreement dated October 29, 2018 and recorded in the Weld County property records at Reception No. 4450516, and as amended by that certain First Amendment to Subdivision Improvement Agreement dated March 21, 2020 and recorded in the Weld County property records on April 27, 2020 at Reception No. 4585671 (together, the “Sorrento SIA”); and

WHEREAS, the Board of Trustees desires to approve the License Agreement with Great Western, in substantially the form attached hereto as **Exhibit 1** to secure a license to permit the improvements associated with the Road Crossing to be timely completed by Great Western and the Developer; and

WHEREAS, Great Western’s preliminary cost estimate associated with the improvements to be completed by Great Western is \$122,657.00, exclusive of the 15% to be added for supervision, accounting and overhead; and

WHEREAS, Great Western’s final cost estimate is expected to be determined following the completion of the Road Crossing improvements to be installed by Great Western, and is currently estimated to be in the \$140,000 - \$150,000 range (the “Road Crossing Construction Fees”); and

WHEREAS, the one-time license fee to secure the Road Crossing is fifteen thousand dollars (\$15,000.00) (the “License Fee”); and

WHEREAS, the Board of Trustees desires to authorize payment of the Road Crossing Construction Fees and License Fee to Great Western on the condition that the Developer remits the full amount of the Road Crossing Construction Fees and License Fee to the Town, as required by the terms of the Sorrento SIA.

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

Section 1. The aforementioned recitals are hereby fully incorporated herein and adopted as findings and determinations by the Board of Trustees.

Section 2. License Agreement Approved. The Board of Trustees hereby: (a) approves the License Agreement in substantially the same form as is attached hereto as **Exhibit 1**; (b) authorizes the Town Attorney in cooperation with the Town Manager to finalize the terms and conditions of the License Agreement; and (c) delegates authority to the Mayor and Town Clerk to execute the License Agreement once approved as to form by the Town Attorney.

Section 3. Payment of Road Crossing Construction Fees and License Fee Authorized. The Town shall be authorized to remit the Road Crossing Construction Fees and License Fee to Great Western on or after the date on which the following two conditions have been satisfied: (a) the License Agreement has been finalized and executed in accordance with the delegation of authority set forth in Section 2 of this Resolution, above; and (b) the Town is in receipt of one hundred percent (100%) of the License Fee and the Road Crossing Construction Fees from the Developer (in such amount as to be finally determined by Great Western consistent with the terms and conditions of the License Agreement).

Section 4. Effective Date. This resolution shall become 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