

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 09-R-2021**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO,
APPROVING THE FIRST AMENDMENT TO SUBDIVISION IMPROVEMENT
AGREEMENT BETWEEN THE TOWN OF MEAD AND THE DEVELOPER OF
THE ST. ACACIUS SUBDIVISION**

WHEREAS, the Town of Mead and SECOND ROYALTY, LLC, a Colorado limited liability company (“Assignor”) entered into that certain Subdivision Improvement Agreement dated September 14, 2020 and recorded in the official records of Weld County, Colorado, on September 14, 2020 at Reception No. 4629455 regarding improvements to be made in the St. Acacius Subdivision – Replat No. 1 (the “Agreement”); and

WHEREAS, the Agreement constitutes the subdivision improvement agreement for the final plat, as required by Sec. 16-4-130 of the *Mead Municipal Code*; and

WHEREAS, Assignor assigned its interest in the Agreement to FORESTAR (USA) REAL ESTATE GROUP, INC., a Delaware corporation (“Developer”) by that certain Assignment and Assumption of Subdivision Improvements Agreement dated October 23, 2020 and recorded in the official records of Weld County, Colorado, on November 16, 2020 at Reception No. 4651444; and

WHEREAS, the amendments to the Agreement to are set forth in that certain First Amendment to the Agreement (the “First Amendment”), a copy of which is attached to this Resolution as **Exhibit 1** and is incorporated herein by reference; and

WHEREAS, Developer desires to adjust the Phasing Plan for the Improvements, as those terms are defined in the Agreement; and

WHEREAS, the First Amendment has been executed by the Developer and is on file with the Town Clerk; and

WHEREAS, the Town Engineer and Town Manager have reviewed and approved the proposed adjustment to the Phasing Plan, as set forth and included in the First Amendment; and

WHEREAS, the Board of Trustees desires to approve the First Amendment and further desires to authorize the Town Manager to execute the First Amendment 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 First Amendment in substantially the same form as is attached hereto as **Exhibit 1**; (b) authorizes the Town Attorney in cooperation with the Town Manager to make non-material changes to the First Amendment that do not increase the Town’s obligations; and (c) authorizes the Town Manager to execute the First Amendment on behalf of the Town.

Section 3. Following the execution of the First Amendment by the Town Manager, the Town Clerk shall cause the First Amendment 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.

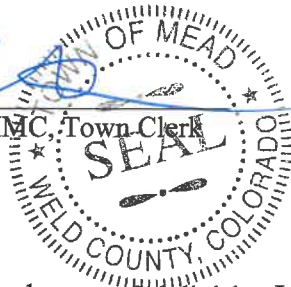
Section 6. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 25th DAY OF JANUARY, 2021.

ATTEST:

By

Mary E. Strutt, MMC, Town Clerk



TOWN OF MEAD

By

Colleen G. Whitlow, Mayor

Attachment(s):

Exhibit 1 - First Amendment to Subdivision Improvement Agreement (St. Acacius Subdivision – Replat No. 1)