

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 950**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, APPROVING
WITH CONDITIONS THE RED BARN SUBDIVISION
FILING NO. 2 FINAL PLAT**

WHEREAS, the Town of Mead is authorized to regulate the subdivision of land pursuant to Title 31, Article 23, C.R.S. and the Town of Mead Land Use Code, such Land Use Code being Chapter 16 of the *Mead Municipal Code* (“MMC”); and

WHEREAS, 13-32 Development, LLC, a Colorado limited liability company (“Applicant”) has submitted an application for a subdivision designated as the RED BARN SUBDIVISION FILING NO. 2 FINAL PLAT (“Final Plat”) for property consisting of 173.8 acres, more or less, and located generally southwest of the intersection Weld County Road 13 and Weld County Road 32 in the Town of Mead, County of Weld, State of Colorado (the “Property”); and

WHEREAS, a legal description of the Property is set forth in the Final Plat; and

WHEREAS, the Applicant is the current record owner of the Property; and

WHEREAS, the Applicant is proposing subdividing the Property into four hundred and thirty-six (436) lots, one (1) tract, and fifteen (15) outlots, as shown and set forth in the Final Plat; and

WHEREAS, Section 16-4-70 of the 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, staff has reviewed and approved the Final Plat with conditions, in accordance with Section 16-4-70(b)(7) of the MMC; and

WHEREAS, the Final Plat generally conforms to the RED BARN SUBDIVISION PRELIMINARY PLAT conditionally approved by the Board of Trustees by Resolution No. 45-R-2019 dated June 10, 2019, and conforms to the Planned Unit Development Overlay zoning approved by the Board of Trustees by Ordinance No. 899 on June 10, 2019; 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 Subdivision Improvement Agreement for Red Barn Subdivision Filing No. 2 by and between the Town and Applicant has been prepared in accordance with the requirements of Section 16-4-130 of the MMC (the “SIA”); and

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

WHEREAS, the Board of Trustees has 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 RED BARN SUBDIVISION 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, including but not limited to, comments provided by the Town engineering consultant (JVA) on January 28, 2021, and comments provided by the Town Attorney’s Office; 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; and
- c. The fully executed SIA shall be recorded in the Weld County real property records with the Final Plat; and
- d. The right-of-way conveyances described in Section XVII(L) of the SIA and attached thereto as Exhibits E-1, E-2, and E-3 shall be recorded in the Weld County real property records prior to recordation of the Final Plat or prior to the Town issuing the Applicant any development permits for Phase A1.

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 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 thereof available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 8TH DAY OF FEBRUARY, 2021.

ATTEST:

By:


Mary E. Strutt, MMG Town Clerk



TOWN OF MEAD

By:


Colleen G. Whitlow, Mayor