

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 959**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO,
APPROVING WITH CONDITIONS THE AGFINITY STATION MEAD SITE PLAN**

WHEREAS, the Town of Mead is authorized to regulate the use and development of land within its jurisdiction, pursuant to Title 31, Article 23, C.R.S., Title 29, Article 20, C.R.S. and the Town's Land Use Code, codified in Chapter 16 of the *Mead Municipal Code* (the "MMC"); and

WHEREAS, Agfinity, Inc., a Colorado cooperative (the "Applicant") has submitted to the Town a land use application for a site plan designated as the AGFINITY STATION MEAD site plan (the "Site Plan"), for certain property generally located northwest of the intersection of Welker Avenue and 3rd Street in the Town of Mead, Colorado, and legally described as follows:

THAT PORTION OF BLOCK 5, TOWN OF MEAD, IN THE SE 1/4 OF SECTION 9, TOWNSHIP 3 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: CONSIDERING THE EAST LINE OF THE SE 1/4 OF SAID SECTION 9 AS BEARING N 00° 01' 39" W AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO: COMMENCING AT THE SE CORNER OF SAID SECTION 9; THENCE S 89° 46' 44" W, 38.00 FEET; THENCE N 00° 01' 39" W, 40.00 FEET TO THE TRUE POINT OF BEGINNING AT THE SE CORNER OF SAID BLOCK 5; THENCE ALONG THE SOUTH LINE OF SAID BLOCK 5, S 89° 46' 44" W, 255.26 FEET; THENCE PARALLEL WITH AND 8.50 EASTERLY OF THE CENTERLINE OF THE GREAT WESTERN RAILWAY SIDETRACK, N 20° 56' 02" E, 713.54 FEET TO THE EAST LINE OF SAID BLOCK 5; THENCE ALONG SAID EAST LINE, S 00° 01' 39" E, 655.46 FEET TO THE TRUE POINT OF BEGINNING, consisting of 1.95 acres, more or less

(the "Property"); and

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

WHEREAS, the Applicant desires to develop a convenience store, refueling station, and mixed-use commercial building on the Property, together with certain public improvements including sidewalks, street cuts, drainage, grading, landscaping, and other improvements as shown in the Site Plan and as set forth and described in the applicable Site Plan Agreement (together, the "Public Improvements"); and

WHEREAS, in accordance with Section 16-4-100(b)(8) of the MMC, Town staff has conditionally approved the Site Plan; and

WHEREAS, Section 16-4-100(b)(9) of the MMC requires that the final Site Plan be presented to the Board of Trustees for its adoption by ordinance; and

WHEREAS, the Town Board of Trustees has reviewed the Site Plan and has determined that the Site Plan satisfies the site plan review criteria set forth in the MMC; and

WHEREAS, the administrative record for this case includes, but is not limited to, the MMC, the Town of Mead Comprehensive Plan, all other applicable ordinances, resolutions and regulations, the staff report/agenda item summary presented to the Board of Trustees, the site plan application and all other submittals of the Applicant, the Site Plan, and the recording and minutes of the Board of Trustees meeting at which the Site Plan was considered; and

WHEREAS, the Town Board of Trustees desires to conditionally approve the Site Plan.

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

Section 1. Recitals incorporated. The foregoing recitals are incorporated herein as findings of the Board of Trustees.

Section 2. Site Plan Approval. The Site Plan is approved subject to the following conditions:

a. Applicant shall resolve/correct any minor technical issues as directed by Town staff and 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 Site Plan application within forty-five (45) days of receiving an invoice or notice from the Town. If fees and costs are not paid within forty-five (45) days of receiving an invoice or the Site Plan is not corrected within forty-five (45) days of notice, the Town may withhold issuance of building permits or further approvals until invoices are paid and corrections are made.

b. The Applicant will submit all post-approval documents required by Section 16-4-100 of the Code prior to the issuance of a building permit, including final engineering cost estimates for the Public Improvements, to be incorporated into the Site Plan Agreement.

c. All Public Improvements will be constructed in accordance with applicable Town standards and in accordance with the terms and conditions of the Site Plan Agreement.

d. Any expansion of an existing building, construction of any new building, or application for a permit or entitlement necessary for such expansion or construction, will be subject to applicable provisions of the MMC related to parking, access, architecture, drainage, landscaping, signage and other relevant standards.

e. Applicant shall satisfy all requirements set forth in the Site Plan Agreement, including dedication of required right-of-way to the Town by deed in a form acceptable to the Town Attorney ("ROW Deed").

f. The fully executed Site Plan Agreement shall be recorded in the Weld County real property records with the Site Plan.

Section 3. The Mayor is hereby authorized to sign the Site Plan on behalf of the Town, and the Town Clerk is hereby authorized to attest the signature of the Mayor on the Site Plan.

Section 4. The Mayor shall also be authorized to accept the ROW Deed on behalf of the Town, following review and approval by the Town Attorney.

Section 5. The Site Plan Agreement 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 Site Plan Agreement that do not materially increase the Town's obligations. The Town Manager shall be authorized to execute the Site Plan Agreement on behalf of the Town once the Site Plan Agreement has been finalized.

Section 6. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 7. 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 8. 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 9. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the ordinance available for inspection by the public during regular business hours.


INTRODUCED, READ, PASSED, AND ADOPTED THIS 26TH DAY OF APRIL, 2021.

ATTEST:

TOWN OF MEAD:

By:


Mary E. Strutt, MMC, Town Clerk



The seal is circular with a double-line border. The outer ring contains the text "WELD COUNTY, COLORADO" at the bottom and "TOWN OF MEAD" at the top. In the center, the word "SEAL" is written in a large, serif font, with a small graphic of a plow below it.

By:


Colleen G. Whitlow, Mayor