

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 25-R-2021**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, GRANTING
CONDITIONAL ACCEPTANCE OF THE PHASE 1B IMPROVEMENTS
(HIGHLANDS FILING NO. 1 FINAL PLAT)**

WHEREAS, Highlands Mead LLC, a Colorado limited liability company having a principal office address of 428 Kimbark Street, Longmont, CO 80501 (“Developer”) has caused the completion of certain public improvements benefitting the Highlands Filing No. 1 Final Plat (“Development”), specifically the public improvements associated with **Phase 1B** of the Development (collectively, the “Improvements”); and

WHEREAS, the Improvements are identified in that certain Subdivision Improvement Agreement dated September 30, 2019 and recorded on November 8, 2019 at Reception No. 4539552 in the Weld County property records as amended by that certain First Amendment to Subdivision Improvement Agreement dated April 13, 2020 and recorded on May 19, 2020 at Reception No. 4591618 in the Weld County property records (together, the “SIA”); and

WHEREAS, the Improvements are subject to a warranty period of two (2) years following the conditional acceptance of the improvements; and

WHEREAS, Developer has requested conditional acceptance of the Improvements by the Board of Trustees of the Town of Mead; and

WHEREAS, the Town Engineer has reviewed the construction of Improvements, has determined that the Improvements have been constructed and installed in substantial conformance with the Town’s construction standards, and is recommending that the Board grant conditional acceptance of the Improvements effective as of June 15, 2021, subject to the conditions set forth in the Final Punchlist, a copy of which is attached to this Resolution as **Exhibit A**, and subject to the additional conditions attached to this Resolution as **Exhibit B**; and

WHEREAS, the Board of Trustees desires to grant conditional acceptance of the Improvements subject to the conditions set forth in this Resolution; and

WHEREAS, the *Mead Municipal Code* (“MMC”) requires the Developer to maintain the Improvements for a two (2) year period from the date of conditional acceptance and clarifies that the Developer shall, at its own expense, take all actions necessary to maintain the Improvements and make needed repairs or replacements that, in the reasonable opinion of the Town (and the Town Engineer), shall become necessary; and

WHEREAS, if the Developer fails to make necessary repairs to the Improvements in accordance with the requirements set forth in the MMC, the Town may withhold final acceptance of the Improvements, may proceed to withhold building permits, temporary certificates of occupancy, or certificates of occupancy for those lots located within boundaries of the Development, or may take any other action authorized by the SIA.

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

Section 1. Conditional Acceptance of Public Improvements. The Board of Trustees on behalf of the Town of Mead, hereby grants “conditional acceptance” of the Improvements identified in this Resolution and orders the commencement of the two (2) year warranty period June 15, 2021.

Section 2. Developer Obligation to Maintain Improvements during Guarantee Period. Developer shall maintain the Improvements for a two (2) year period from the date of conditional acceptance (the “Guarantee Period”). Developer shall, at its own expense, take all actions necessary to maintain the Improvements and make needed repairs or replacements that, in the reasonable opinion of the Town (and the Town Engineer), shall become necessary during the Guarantee Period. Failure of the Developer to maintain the Improvements during the Guarantee Period shall violate the requirements this Section 2 and shall constitute a violation of the MMC pursuant to MMC Sec. 16-6-10(c)(1)(g). In addition to any contractual remedies available to the Town under the SIA, Town Staff shall be authorized to take any and all enforcement actions as necessary to ensure that the Developer completes necessary repairs and replacements of the Improvements during the Guarantee Period and prior to final acceptance of the Improvements, as authorized by the MMC, including but not limited to the enforcement actions set forth in Article VI of Chapter 16 of the MMC.

Section 3. Severability. If any part, section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the resolution. The Town Board hereby declares that it would have passed the resolution including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 4. Repealer. All resolutions and motions of the Board of Trustees of the Town of Mead or parts thereof, in conflict with this resolution are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such resolution or motion, no revive any resolution or motion thereby.

Section 5. Effective Date. This resolution shall become effective immediately upon adoption.

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 14TH DAY OF JUNE, 2021.

ATTEST:

By 
Mary E. Strutt, MMC Town Clerk



TOWN OF MEAD

By 
Colleen G. Whitlow, Mayor

Exhibit A
Final Punchlist (for Conditional Acceptance – Phase 1B)
(attached – 12 pages)

Exhibit B

Additional conditions (Conditional Acceptance – Phase 1B)

1. Developer shall replace LOC 03-21 dated March 9, 2021 in the amount of ~~\$408,126.59~~ (and having an expiration date of December 9, 2021) (the “Phase 1B LOC”) with a new LOC in the form required by the SIA in the amount of not less than \$61,218.99 and having an expiration date not earlier than August 15, 2023 (“Replacement LOC”). The Developer shall file the Replacement LOC with the Town Engineer on or before July 15, 2021. Upon filing of the Replacement LOC, the Town Engineer or designee shall cause the Phase 1B LOC to be released. The Replacement LOC shall be released in accordance with the terms of the SIA and the *Mead Municipal Code*.

2. Developer shall replace LOC 04-21 dated March 9, 2021 in the amount of ~~\$89,197.06~~ (and having an expiration date of December 9, 2021) (the “Phase 1B Landscaping LOC”) with a new LOC in the form required by the SIA in the amount of \$89,197.06 and having an expiration date not earlier than August 15, 2023 (“Landscaping LOC”). The Developer shall file the Landscaping LOC with the Town Engineer on or before July 15, 2021. Upon filing of the Replacement LOC, the Town Engineer or designee shall cause the Phase 1B Landscaping LOC to be released. The Landscaping LOC shall be released in accordance with the terms of the SIA and the *Mead Municipal Code*.



March 31, 2021

Mr. Shane Rugg, Director of Land
Prosper Land and Development
428 Kimbark Street
Longmont, CO 80501

RE: The Highlands Punch List - Phase 1B

On March 10, 17, 18 and 19, 2021 Town Staff completed a walk-through of phase 1B at the Highlands subdivision to assess the site conditions and confirm completion of infrastructure improvements. Although we consider this phase of the project to be substantially complete, the items listed on the attached spreadsheet and map will require attention prior to Conditional Acceptance of the work.

A list of items to be completed or corrected is attached. Landscape comments for this phase will be included under separate cover. The developer shall complete all repairs within 30-days, unless otherwise directed by Town of Mead staff. Once the punch list items have been completed and approved by Town staff, conditional acceptance will be issued. At that time, the project will enter the two-year warranty period. A final inspection will be conducted at the end of the warranty period prior to Final Acceptance of Phase 1B.

Sincerely,

A handwritten signature in black ink that reads "Erika Rasmussen".

Erika Rasmussen, P.E.
Town Engineer/Public Works Director



Project Name: The Highlands
Contractor: Prosper Land & Development
Inspector: Deano Korecky Jr.
Punchwalk Dates: 3/10, 3/17, 3/18, 3/19, 4/5, 4/7, 4/21, 4/22, 4/30
Conditional Acceptance: Phase 1B

Punch List Items						
No.	Item	Description	Location	Observation Date	Completion Date	Town Sign-Off
1	Expansion	Seal expansion joints per Town of Mead standards	Multiple locations in Phase 1B	3/17/2021	4/30/2021	XXX
2	Concrete	Remove and Replace (Marked in pink out on the field)	Multiple locations in Phase 1B (See map)	3/17/2021	4/22/2021	XXX
3	ADA Ramps	Remove and Replace not ADA compliant	Beaumont Street (See map)	3/18/2021	4/22/2021	XXX
4	Sewer	Vacuum/let clean all sewer (provide video)	All of Phase 1B	3/10/2021	5/7/2021	XXX
5	Sewer Stamps	Cut in sanitary sewer "X" marks on curb	All of Phase 1B (See map)	3/10/2021	4/15/2021	XXX
6	Storm	Clean up sediment in both storm drains	Park Street	3/19/2021	4/21/2021	XXX
7	Signs	Wrong name on sign Lake Helen Ave should be Blvd	Lake Helen Blvd/Park Street (See map)	3/10/2021	4/5/2021	XXX
8	Landscaping	Finish prior to 17th building permit in phase 1B	Landscaping Plan for Phase 1B	3/10/2021		
9	Trees/Shurbs	Finish prior to 17th building permit in phase 1B	Landscaping Plan for Phase 1B	3/10/2021		
10	Water	Provide Acceptance document from LTWD	All of Phase 1B	3/10/2021		
11	Asphalt	Asphalt needs to be patched (damaged due to R&R of concrete)	Areas where R&R of concrete took place	3/10/2021	5/5/2021	XXX
12	ADA Ramps	Standing water and not ADA compliant	Beaumont Blvd/Chilton Drive	3/10/2021	4/30/2021	XXX
13	Manhole/Valves	Clean manhole lids and valves make sure they are operable	All of Phases 1B	3/10/2021	4/22/2021	XXX
14	Erosion Control	Some erosion control socks were damaged	Inlets on Park Street	3/10/2021	4/21/2021	XXX
15	Street Lights	Prior to first CO in Phase 1B	All of Phases 1B (See map)	3/10/2021	4/7/2021	XXX
16	As-Builts	Provide As-builts	All of Phases 1B	3/10/2021		
17	Housekeeping	Cleanup job site	All of Phases 1B	3/10/2021	5/5/2021	XXX
18	Manhole Lids	Replace Lids with Town Standard Detail D4.09 - Prior to first CO in Phase 1B	Multiple locations (Marked in Pink out on the field)	3/10/2021	4/7/2021	XXX
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						
32						
33						
34						

- CONCRETE
- SIGNS
- STREET LIGHTS
- SANITARY SEWER
- ASPHALT PATCH

ASPHALT PATCH

STREET LIGHTS

DELBERT TEMPLE
HYVAN E. TEMPLE
REC NO 4143939

JESSE MUNOZ
DIANA M. MUNOZ
REC NO 1619518

LINDA LOUISE CLYNCKE
RICHARD D. CLYNCKE
REC NO 2763517

ALAN J. DAVIS
CAROL J. DAVIS
REC NO 1924993



3RD STREET (AKA CRT)
(80' ROW)

16730 COUNTY ROAD 7
ALAN H. CHASE
REC NO 2807298

EX HEADGATE AND LATERAL
(TO BE REMOVED)

16474 COUNTY ROAD 7
DANIELLE M. LARAU
REC NO 2807299

ASPHALT
PATCH

STREET LIGHT

PHASE 1A

PHASE 1B

PHASE 1C



Item #1



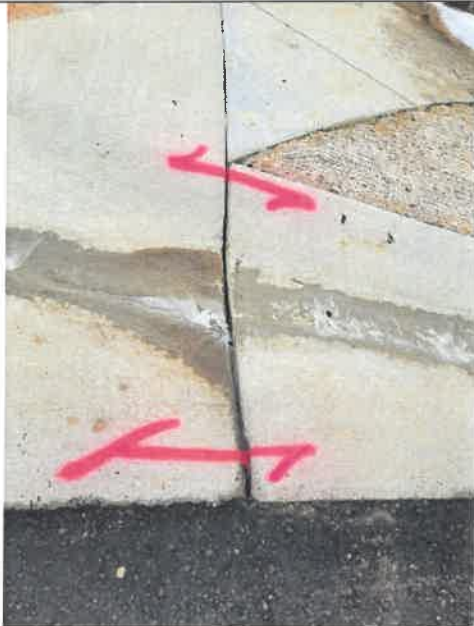
Item #2 & #3



Item #2 & #3



Item #2 & #3



Item #2



Item #2 & #3



Item #2



Item #2 & #3



Item #2 & #5



Item #2



Item #5



Item #5



Item #2



Item #6



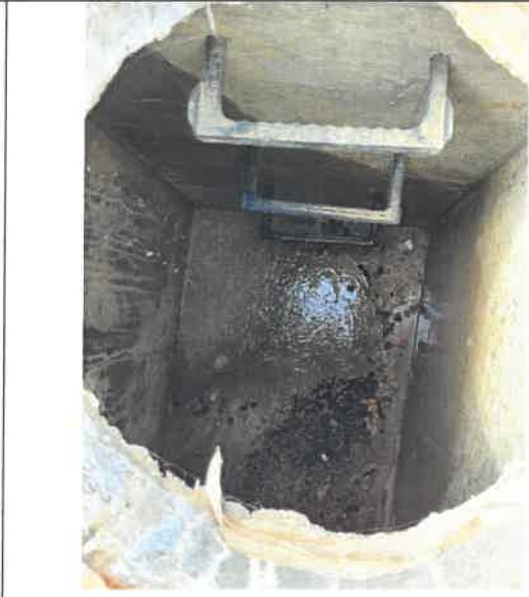
Item #6



Item #6



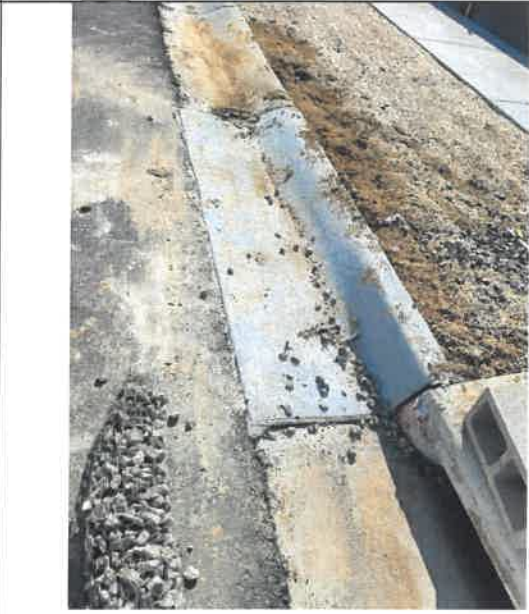
Item #6



Item #6



Item #4



Item #1 & #14



Item #11



Item #11



Item #14



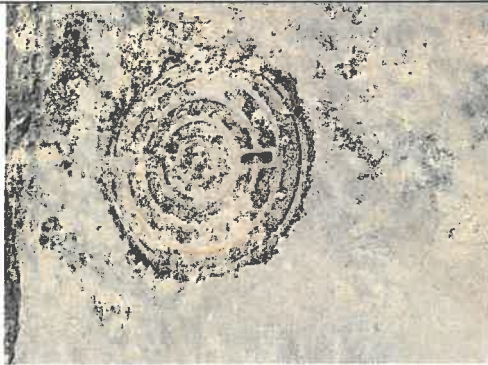
Item #11



Item #11



Item #13



Item #13



Item #13



Item #11



Item #17



Item #17



Item #18



Item #17



Item #17



Item #14 & #17



Item #17