

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 27-R-2021**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO,
APPROVING THE FIRST AMENDMENT TO INTERGOVERNMENTAL
AGREEMENT BETWEEN THE TOWN OF MEAD AND THE RED BARN
METROPOLITAN DISTRICT**

WHEREAS, the Service Plan of the Red Barn Metropolitan District (“District”) was approved by the Town of Mead Board of Trustees on July 29, 2019; and

WHEREAS, the Town and District are parties to that certain Intergovernmental Agreement dated December 9, 2019 (the “IGA”); and

WHEREAS, Section 17 of the IGA requires that any modification of the IGA be set forth in a written agreement duly authorized and executed by the Town and District; and

WHEREAS, the Town and the Baugh Lateral Ditch and Reservoir Company (“Company”) entered into that certain License Agreement regarding road crossings and that certain License Agreement regarding storm water crossing, both recorded with the Weld County Clerk and Recorder on May 26, 2021, at Reception Nos. 4719265 and 4719264, respectively (the “License Agreements”); and

WHEREAS, the Town and the District desire to amend the IGA to document that any fees, damages or costs imposed on the Town by the Company pursuant to the License Agreements, including but not limited to fees or costs incurred by Company for emergency repairs, will be the responsibility of the District; and

WHEREAS, the District’s obligation to pay said fees, damages or costs is set forth in that certain First Amendment to Intergovernmental Agreement (“First Amendment”), a copy of which is attached to this Resolution as ATTACHMENT A and is incorporated herein by reference; and

WHEREAS, the Board of Trustees has reviewed the First Amendment and desires to approve the same; and

WHEREAS, the Board of Trustees further desires to delegate authority to the Mayor 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 ATTACHMENT A; (b) authorizes the Town Attorney in cooperation with the Mayor and Town Manager to make non-material changes to the First Amendment that do not increase the Town’s obligations; and (c) authorizes the Mayor to execute the First Amendment on behalf of the Town when in final form.

Section 3. Effective Date. This resolution shall be effective immediately upon adoption.

Section 4. 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.

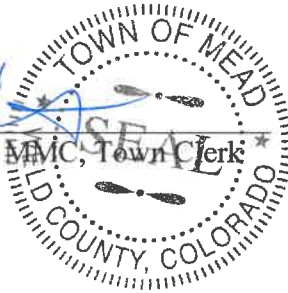
Section 5. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

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

Attachment(s):

ATTACHMENT A - First Amendment to Intergovernmental Agreement

ATTACHMENT A

First Amendment to Intergovernmental Agreement
Between the Town of Mead and Red Barn Metropolitan Agreement

[Attached.]