

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 41-R-2021**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, GRANTING
FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS ASSOCIATED
WITH PACIFIC CIRCLE (LYONS 66 PACIFIC COMMERCE PARK FINAL
PLAT)**

WHEREAS, Lyons 66 Pacific, LLC, a Colorado limited liability company, having a principal office address of 175 Cordova Court, Boulder, CO 80303 (“Developer”), has caused the completion of certain public improvements benefitting the Lyons 66 Pacific Commerce Park Final Plat (“Development”), specifically the Pacific Circle Street Improvement project, including the installation of concrete curb and gutter, the paving of Pacific Circle, all re-seeding of disturbed areas, and the associated storm laterals and drainage swales (collectively, the “Improvements”); and

WHEREAS, the Improvements were conditionally accepted by Town Resolution No. 22-R-2019, with conditional acceptance being effective on October 4, 2018; and

WHEREAS, the two-year warranty period for the Improvements has been completed and the Developer has caused all repairs identified in that certain Final Warranty Punchlist memorandum dated September 17, 2020, to be completed to the satisfaction of the Town Engineer; and

WHEREAS, specifically, the Town Engineer has concluded that all Final Warranty Punchlist items were completed and that final acceptance of the Improvements may be approved, effective June 16, 2021; and

WHEREAS, Section 202.9 of the *Town of Mead Design Standards and Construction Specifications for the Design and Construction of Public and Private Improvements* (the “Standards and Specifications”) states that “[i]f the public improvements completed by the developer are satisfactory, the Town shall grant final acceptance by a resolution of the Board of Trustees”; and

WHEREAS, Developer has requested approval and final acceptance of the Improvements; and

WHEREAS, the Town Engineer has reviewed the Improvements, has found the same to be in compliance with the requirements of the \Standards and Specifications, and has found the same to be in good repair following the completion of the warranty period; and

WHEREAS, the Board of Trustees desires to grant final acceptance of the Improvements completed by Developer, effective June 16, 2021.

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

Section 1. Final Acceptance of Public Improvements. The Board of Trustees on behalf of the Town of Mead, hereby grants final acceptance of the Improvements. The Town hereby discharges the Developer from further maintenance responsibilities associated with the Improvements, effective June 16, 2021.

Section 2. Release of Security. The Board of Trustees hereby authorizes the release or

any warranty security guaranteeing the Improvements through the two-year warranty period. The Town Engineer and Town Clerk shall be authorized to take any administrative actions necessary to release the warranty security.

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.

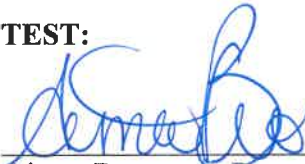
Section 5. Effective Date. This resolution shall become effective immediately upon adoption.

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 9TH DAY OF AUGUST, 2021.

ATTEST:

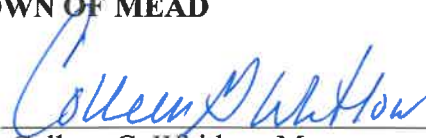
By


Aimee Brossman, Deputy Town Clerk



TOWN OF MEAD

By


Colleen G. Whitlow, Mayor