

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 42-R-2021**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, GRANTING
CONDITIONAL ACCEPTANCE OF THE PHASE 1C 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 1C** 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 August 10, 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 August 10, 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.


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



The seal is circular with a double border. The outer border contains the text "TOWN OF MEAD" at the top and "WELD COUNTY, COLORADO" at the bottom. The inner border contains the word "SEAL" in the center. There are decorative elements, including a star and a horizontal line with a central ornament.

TOWN OF MEAD

By



Colleen G. Whitlow, Mayor

Exhibit A

Final Punchlist (for Conditional Acceptance – Phase 1C)

(attached – 11 pages)

Exhibit B

Additional conditions (Conditional Acceptance – Phase 1C)

1. Developer shall replace LOC 05-21 dated March 9, 2021 in the amount of ~~\$404,272.15~~ (and having an expiration date of December 9, 2021) (the “Phase 1C LOC”) with a new LOC in the form required by the SIA **in the amount of not less than \$60,640.82** and having an expiration date not earlier than October 15, 2023 (“Replacement LOC”). The Developer shall file the Replacement LOC with the Town Engineer on or before September 15, 2021. Upon filing of the Replacement LOC, the Town Engineer or designee shall cause the Phase 1C 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 06-21 dated March 9, 2021 in the amount of ~~\$432,796.00~~ (and having an expiration date of December 9, 2021) (the “Phase 1C Landscaping LOC”) with a new LOC in the form required by the SIA **in the amount of \$432,796.00** and having an expiration date not earlier than October 15, 2023 (“Landscaping LOC”). The Developer shall file the Landscaping LOC with the Town Engineer on or before September 15, 2021. Upon filing of the Replacement LOC, the Town Engineer or designee shall cause the Phase 1C Landscaping LOC to be released. The Landscaping LOC shall be released in accordance with the terms of the SIA and the *Mead Municipal Code*.



July 27, 2021

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

RE: The Highlands Punch List - Phase 1C

On July 19, 2021, Town Staff completed a walk-through of phase 1C 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 1C.

Sincerely,

A handwritten signature in black ink that reads "Erika Rasmussen". The signature is fluid and cursive, with a long horizontal line extending from the end.

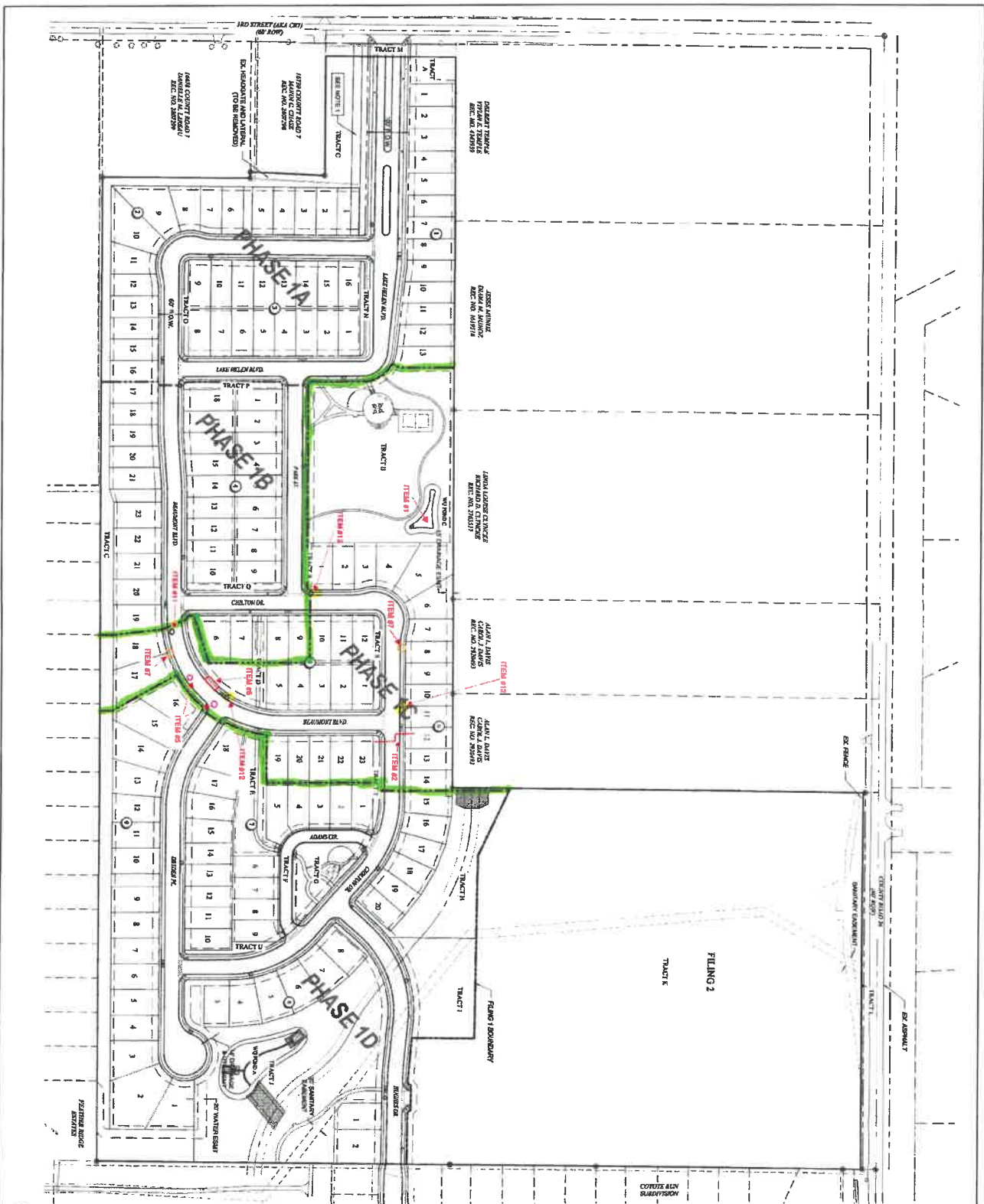
Erika Rasmussen, P.E.
Town Engineer/Public Works Director



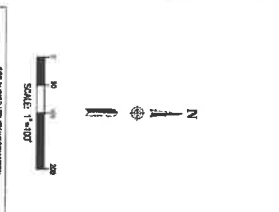
Project Name: The Highlands
 Contractor: Prosper Land & Development
 Inspector: Deano Korecky Jr.
 Punchwalk Dates: July 19th, 2021
 Conditional Acceptance: Phase 1C

Punch List Items

No.	Item	Description	Location	Observation Date	Completion Date	Town Sign-Off
1	Detention Pond	Outlet structure is uncomplete along with detention pond	Phase 1C Detention pond in Track 8	7/19/2021		
2	Phase 1C Stopped Short	Letter to The Town as to why stopped short on Phase 1C	Chilton Drive (Lots 12, 13 and 14)	7/19/2021		
3	Concrete	Grind concrete and patch (Clean up)	All of Phase 1C (Marked in pink in the field)	7/19/2021		
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 TOWN OF MEAD APPROVAL
 THESE PLANS HAVE BEEN REVIEWED FOR CONFORMANCE WITH THE TOWN OF MEAD SUBDIVISION ACT AND THE TOWN OF MEAD SUBDIVISION REGULATIONS.
 APPROVED: [Signature]
 DATE: 03/28/2019



HIGHLANDS PHASE 1 LOT TOTALS

PHASE	# OF LOTS
1A	46
1B	30
1C	49
1D	48
TOTAL	174

GENERAL LEGEND

- PROPERTY LINE
- LOT LINE
- EASEMENT
- PHASE BOUNDARY
- CLUB AND OUTLET
- CONC. SW

NOTES

1. EASEMENT ACCESS ROAD FROM ON TO PHASE 1 FROM PHASE 2.
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THE HIGHLANDS CIVIL CONSTRUCTION DOCUMENTS
 TOWN OF MEAD, COLORADO

PREPARED FOR:
PROSPER LAND & DEVELOPMENT, LLC

PREPARED BY:
ENERTIA CONSULTING GROUP

438 KIRKLAND STREET
 LONGMONT, CO 80501
 JOB #174741 AND #174742

1520 MARKET STREET, SUITE 200
 DENVER, COLORADO 80202

DSGN DR CHK APVD

VERIFY SCALE
 DATE: 03/28/2019
 FILE: 174741-174742
 DWG: 174741-174742
 SHEET: 3 OF 11

OVERALL SITE PLAN

NOTES
 NUMBER OF DOCUMENTS: THIS DOCUMENT AND THE DEGRAND DESIGN INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF ENERTIA CONSULTING GROUP AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF ENERTIA CONSULTING GROUP.



Item #1



Item #1



Item #1



Item #1



Item #2



Item #2



Items #3 & #4



Item #3



Item #3



Item #3



Item #3



Item #3



Item #4



Item #5



Item #5



Item #5



Item #6



Item #6



Item #6



Item #7



Item #7



Item #10



Item #10



Item #10



Item #10



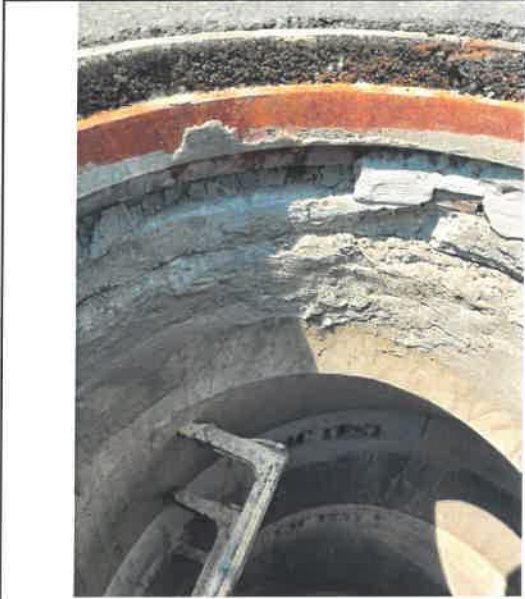
Item #10



Item #10



Item #10



Item #10



Item #17



July 27, 2021

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

RE: The Highlands Punch List - Phase 1C

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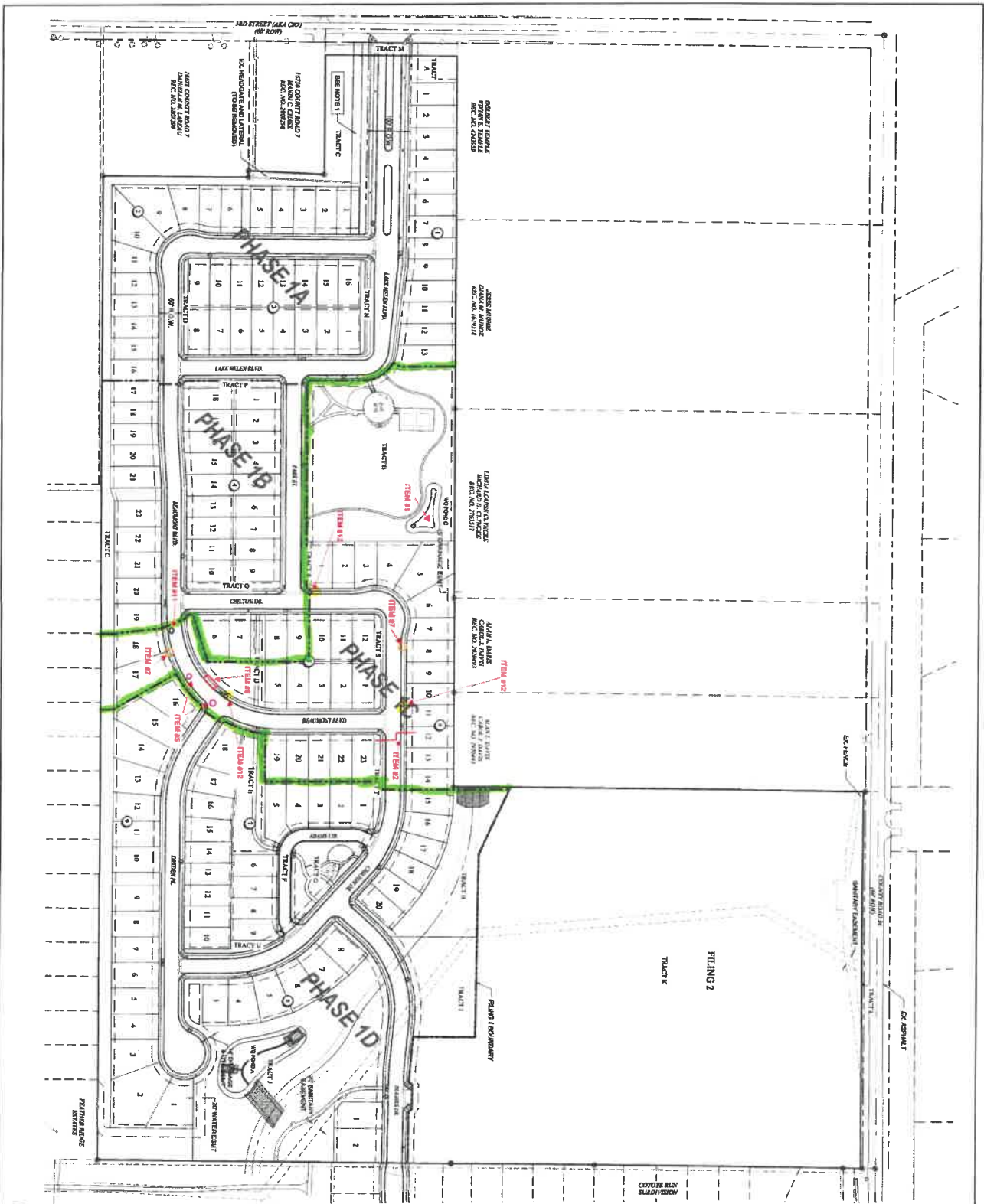
Erika Rasmussen, P.E.
Town Engineer/Public Works Director



Project Name: The Highlands
Contractor: Prosper Land & Development
Inspector: Deano Korecky Jr.
Punchwalk Dates: July 19th, 2021
Conditional Acceptance: Phase 1C

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811
 TOWN OF MEAD APPROVAL
 THESE PLANS AND SPECIFICATIONS ARE APPROVED FOR ONE YEAR FROM DATE OF THE TOWN ENGINEER'S APPROVAL.
 TOWN ENGINEER: [Signature]

PROSPER LAND & DEVELOPMENT, LLC
 438 KIRKMARK STREET
 LONGMONT, CO 80501
 JOB #171711 AND #PROSPERLANDDEV.COM

ENERTIA
 CONSULTING GROUP
 1529 MARKET STREET, SUITE 200
 DENVER, COLORADO 80202

GENERAL LEGEND
 PROPERTY LINE
 EASEMENT
 LOT & SURFACE EIGHT
 DRIVE AND DRIVEWAY
 CONC. SW

NOTES
 1. EASEMENT ACCESS ROAD FROM C&D TO PHASE 1A SHALL BE 14' WIDE & SHALL MEET THE 20' LANDING REQUIREMENT.
 2. EASEMENT ACCESS ROAD FROM C&D TO PHASE 1B SHALL BE 14' WIDE & SHALL MEET THE 20' LANDING REQUIREMENT.
 3. EASEMENT ACCESS ROAD FROM C&D TO PHASE 1C SHALL BE 14' WIDE & SHALL MEET THE 20' LANDING REQUIREMENT.
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HIGHLANDS PHASE 1 LOT TOTALS

PHASE	# OF LOTS
1A	45
1B	32
1C	40
1D	40
TOTAL	157



VERIFY SCALE
 DATE: 09/15/2017
 TIME: 1:53:30 PM
 SHEET: 3 OF 11

THE HIGHLANDS CIVIL CONSTRUCTION DOCUMENTS
 TOWN OF MEAD, COLORADO
OVERALL SITE PLAN

PREPARED FOR:
PROSPER LAND & DEVELOPMENT, LLC

PREPARED BY:
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DSGN DR CHR APVD



IN WITNESS WHEREOF, THE ENGINEER HAS HEREUNTO SET HIS HAND AND SEAL OF OFFICE ON THE DATE FIRST ABOVE WRITTEN.

NUMER OF DOCUMENTS, THIS DOCUMENT AND THE DECS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF ENERTIA CONSULTING GROUP AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF ENERTIA CONSULTING GROUP.



Item #1



Item #1



Item #1



Item #1



Item #2



Item #2



Items #3 & #4



Item #3



Item #3



Item #3



Item #3



Item #3



Item #4



Item #5



Item #5



Item #5



Item #6



Item #6



Item #6



Item #7



Item #7



Item #10



Item #10



Item #10



Item #10



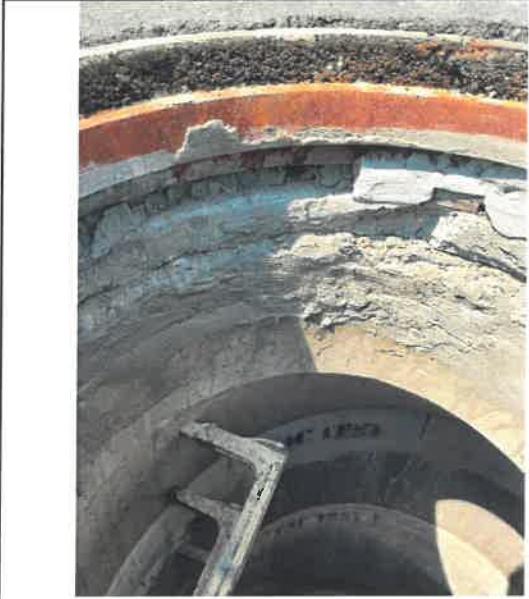
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Item #10



Item #10



Item #10



Item #17