

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 14-R-2022**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, GRANTING
CONDITIONAL ACCEPTANCE OF THE PHASE 1D 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 1D** 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 May 1, 2022, subject to the conditions set forth in the Final Punchlist, a copy of which is attached to this Resolution as **Exhibit A** (Town letter dated January 21, 2022 *RE: The Highlands – Conditional Acceptance of Phase 1D Public Infrastructure Improvements*), 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 May 1, 2022.

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.

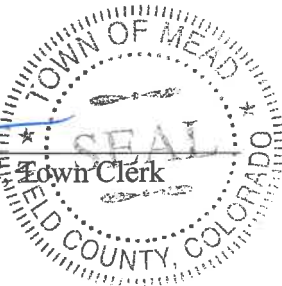
Section 6. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 31ST DAY OF JANUARY, 2022.

ATTEST:

By:

Mary E. Strutt, MMC



TOWN OF MEAD

By:

Colleen G. Whitlow, Mayor

Exhibit A

Final Punchlist (for Conditional Acceptance – Phase 1D; Town letter dated January 21, 2022)

(attached – 14 pages)

Exhibit B
Additional conditions (Conditional Acceptance – Phase 1D)

1. Developer shall replace LOC 12-21 dated July 19, 2021 in the amount of \$1,123,334.95 (and having an expiration date of July 16, 2023) (the “Phase 1D LOC”) with a new LOC in the form required by the SIA in the **amount of not less than \$146,521.95 and having an expiration date not earlier than June 30, 2024** (“Replacement LOC”). The Developer shall file the Replacement LOC with the Town Engineer on or before May 1, 2022. Upon filing of the Replacement LOC, the Town Engineer or designee shall cause the Phase 1D 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 13-21 dated July 19, 2021 in the amount of \$395,888.00 (and having an expiration date of July 16, 2023) (the “Phase 1D Landscaping LOC”) with a new LOC in the form required by the SIA in the **amount of \$395,888.00 and having an expiration date not earlier than June 30, 2024** (“Landscaping LOC”). The Developer shall file the Landscaping LOC with the Town Engineer on or before May 1, 2022. Upon filing of the Replacement LOC, the Town Engineer or designee shall cause the Phase 1D Landscaping LOC to be released. The Landscaping LOC shall be released in accordance with the terms of the SIA and the *Mead Municipal Code*.



January 21, 2022

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

RE: The Highlands – Conditional Acceptance of Phase 1D Public Infrastructure Improvements

Dear Mr. Rugg,

On January 18 and 19, 2022, Town Staff performed a walk-through of Phase 1D at the Highlands subdivision to assess the site conditions and confirm completion of construction of public infrastructure improvements. Although the Town considers this phase of the project substantially complete, the items summarized on the attached exhibits will require attention prior to Conditional Acceptance of the work.

A summary of the work to be completed or corrected is attached to this letter in the form of a listed on the attached spreadsheet, photos, and map. Landscape inspection and comments for Phase 1D are not part of this inspection. The developer shall complete all punchlist items within 30 days from the date of this letter, unless otherwise directed by Town of Mead staff. Once the punchlist items have been completed and approved by Town staff, Conditional Acceptance will be issued. In accordance with the Town of Mead *Design Standards and Construction Specifications*, Section 202.8.A.1.a., for projects where Conditional Acceptance is granted between November 1st and April 30th, the two-year warranty period shall not begin until May 1st. A final inspection will be conducted at the end of the warranty period prior to Final Acceptance of Phase 1D Public Infrastructure Improvements.

Sincerely,

A handwritten signature in black ink that reads "RE Brown".

Signed: 01/21/2022 @ 10:04:21 AM

Robyn Brown, P.E.
Deputy Town Engineer



Project Name: The Highlands
Contractor: Prosper Land & Development
Inspector: Deano Korecky Jr.
Punchwalk Dates: January 18th, 2021/January 19th, 2021
Conditional Acceptance: Phase 1D

Punch List Items						
No.	Item	Description	Location	Observation Date	Completion Date	Town Sign-Off
1	Concrete	Grind concrete and patch (Clean up)	Lots #14, #15 Dryden Place/Lot #9 Adams Circle	1/18/2022	In Process	
2	Concrete	Grind concrete and patch (Clean up)	Lot #9 Adams Circle (Marked in pink in the field)	1/18/2022	In Process	
3	Expansion	Seal all expansion per Town of Mead standards	All of Phase 1D	1/18/2022	In Process	
4	Storm	Clean up sediment in inlet storm drains	Marked in pink in the field & on map	1/18/2022	In Process	
5	Water	Missing water "W" marks on curb	Lots #16, #18 Dryden Place/Lots #1, #9 Adams Cir	1/18/2022	In Process	
6	Water	Provide Acceptance document from LTWD	All of Phase 1D	1/18/2022	In Process	
7	Manhole/Valves	Clean manhole lids and valves make sure they are operable	All of Phase 1D	1/18/2022	In Process	
8	Street Lights	No street lights are installed	All of Phase 1D	1/18/2022	In Process	
9	As-Builts	Provide As-builts in CAD Files	All of Phase 1D	1/18/2022	In Process	
10	Landscaping	Complete landscaping prior to 17th building permit in Phase 1D	Landscaping Plans for Phase 1D	1/18/2022	Landscape Plan	
11	Landscaping	Complete landscaping prior to 34th building permit in Phase 1D	Landscaping Plans for Phase 1D	1/18/2022	Landscape Plan	
12	Erosion Control	Native seed around box culvert and blankets	Box Culvert in Phase 1D	1/18/2022	In Process	
13	Housekeeping	Cleanup job site	All of Phase 1D	1/18/2022	In Process	
14	Barbed Wire Fence	Remove barbed wire fence (I put caution tape up for now)	Connection to private sidewalk (Eastside)	1/18/2022	In Process	
15	Backfill Concrete	Concrete needs to be backfilled	All of Phase 1D	1/18/2022	In Process	
16	Stockpiles/Grading	Clean up all stockpiles and grade entire site	All of Phase 1D	1/18/2022	In Process	
17	Box Culvert	Grout is cracking and needs to be redone & clean up debris	Hughes Drive	1/18/2022	In Process	
18						
19						
20						



Item #1



Item #2



Item #4



Item #4



Item #4



Item #5



Item #5



Item #5



Item #5



Item #7



Item #12



Item #12



Item #13



Item #13



Item #13



Item #13



Item #13



Item #13



Item #13



Item #14



Item #15



Item #15 & Item #16



Item #15



Item #15



Item #13 & Item #15



Item #13



Item #15



Item #13 & Item #15



Item #13 & Item #15



Item #16



Item #16



Item #15 & Item #16



Item #15 & Item #16



Item #16



Item #16



Item #15



Item #16



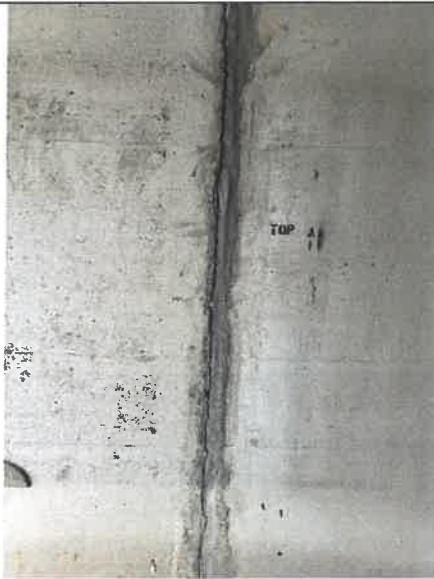
Item #16



Item #16



Item #16



Item #17



Item #17



Item #17



Item #17