

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 27-R-2022**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, APPROVING A
LICENSE AND EASEMENT AGREEMENT CONCERNING THE
RELOCATION OF PORTIONS OF THE MCKAY LATERAL DITCH**

WHEREAS, the Town of Mead is authorized under C.R.S. § 31-15-101 to enter into contracts or agreements for any lawful municipal purpose; and

WHEREAS, as part of ongoing development associated with property located within the boundaries of the POSTLE SUBDIVISION FILING NO. 1 FINAL PLAT (the “Subject Property”), Mead Industrial Development, LLC, a Colorado limited liability company (“Developer”), is performing certain off-site construction work which includes the proposed modification of a portion of the McKay Lateral Ditch (the “Ditch”) including a realignment and piping of certain portions of the Ditch in proximity to the Subject Property (the “Modified Ditch”); and

WHEREAS, the McKay Lateral Ditch Company, a Colorado mutual ditch company (the “Ditch Company”) owns the Ditch and associated historic easement rights for the purpose of diverting water to its shareholders and other lawful users for beneficial use; and

WHEREAS, the Modified Ditch will traverse portions of the Subject Property and other parcels in the vicinity of the Subject Property, and will also cross portions of Weld County Road 36 (“WCR 36”) which is right-of-way controlled and managed by the Town; and

WHEREAS, the Ditch Company, Developer, related entities and the Town have negotiated that certain License and Easement Agreement (the “License Agreement”), a copy of which is on file with the Town Clerk, in order to identify and mitigate impacts to the existing Ditch and the Ditch Company’s historic easement rights while permitting the Modified Ditch improvements to permit current and future development of the Subject Property; and

WHEREAS, the License Agreement requires the Town to grant a non-exclusive to the Ditch Company over portions of WCR 36 in substantially the form attached to the License Agreement as **Exhibit C** (the “Grant of Easement”); and

WHEREAS, the Board of Trustees desires to approve: (1) the License Agreement in substantially the form currently on file with the Town Clerk, and (2) the Grant of Easement in substantially the form included in the License Agreement; and

WHEREAS, the Board of Trustees further desires to delegate authority to the Mayor or Town Manager to execute the License Agreement and Grant of Easement on behalf of the Town of Mead once in final form.

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

Section 1. The Board of Trustees hereby: (a) approves the License Agreement in substantially the same form as on file with the Town Clerk as of the effective date of this Resolution; (b) approves the Grant of Easement in substantially the same form as incorporated in the License

Agreement; (c) authorizes the Town Attorney, in cooperation with the Town Manager and Town Engineer, to make non-material changes to the License Agreement and Grant of Easement as may be necessary that do not materially increase the Town's obligations; and (d) authorizes the Mayor or Town Manager to execute the License Agreement and Grant of Easement when in final form.

Section 2. Effective Date. This resolution shall become effective immediately upon adoption.

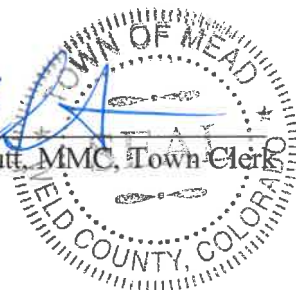
Section 3. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 28TH DAY OF MARCH, 2022.

ATTEST:

By: 

Mary E. Strutt, MMC, Town Clerk



TOWN OF MEAD

By: 

Colleen G. Whitlow, Mayor