

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 49-R-2022**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO,
CONDITIONALLY APPROVING THE SERVICE PLAN FOR ACCESS 25
METROPOLITAN DISTRICT NOS. 1-6, AUTHORIZING EXECUTION OF
THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN
AND THE DISTRICTS, AND AUTHORIZING THE EXECUTION OF THE
ASSIGNMENT OF THE LICENSE AND EASEMENT AGREEMENT
BETWEEN THE TOWN AND THE DISTRICTS**

WHEREAS, Mead Industrial Development, LLC, a Colorado limited liability company (the “Proponent”), the 100% fee owner of the property within the development known as the Access 25 Logistics Park (the “Project”), has proposed the organization of the Access 25 Metropolitan District Nos. 1-6 (together, the “Districts”) to provide certain public improvements and services for the benefit of the Project; and

WHEREAS, a service plan for the proposed Districts (the “Service Plan”) was originally submitted by the Proponent to the Town on February 28, 2022 and resubmitted on May 27, 2022 and on June 16, 2022, in accordance with the applicable provisions of Chapter 12 of the Mead Municipal Code (“MMC”); and

WHEREAS, the initial boundaries of the Districts will include approximately 296.645 acres, generally located northeast of the intersection of Weld County Road (WCR) 34 and Interstate 25, as more particularly shown and described in the vicinity map attached as Exhibit A to the Service Plan and the map and legal description attached as Exhibit B-1 to the Service Plan (“Initial District Boundaries”); and

WHEREAS, the inclusion area boundaries of the Districts will include approximately 147.749 acres, generally located south of WCR 36 and east of WCR 11, as more particularly shown and described in the vicinity map attached as Exhibit A to the Service Plan and the map and legal description attached as Exhibit B-2 to the Service Plan (“Inclusion Area Boundaries”); and

WHEREAS, a copy of the Service Plan is attached to this Resolution as ATTACHMENT A; and

WHEREAS, the Proponent has submitted a Letter of Intent revised and resubmitted on July 6, 2022 (“Letter of Intent”), as required by MMC Section 12-2-10(e); and

WHEREAS, in accordance with MMC Section 12-2-40, the Proponent has caused notice of the date, time, location and purpose of the public hearing regarding the consideration of the Service Plan to be duly published in the *Longmont Times-Call*, a newspaper of general circulation, on June 3, 2022; has caused such notice to be provided to the Division of Local Government in the Department of Local Affairs; and has caused notice to be provided to the governing body of each municipality and of each special district which has levied an *ad valorem* tax within the next preceding tax year and which has boundaries within a radius of three (3) miles of the proposed Districts; and

WHEREAS, the Proponent has filed a publisher’s affidavit and certificate of mailing regarding the aforementioned public notices to be filed with the Town Clerk; and

WHEREAS, the Board of Trustees has reviewed the Service Plan and Letter of Intent and considered evidence in support of the approval or conditional approval of the Service Plan.

THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Mead, Colorado as follows:

Section 1. The Board of Trustees has authority to approve the Service Plan without condition or modification, deny the Service Plan, or conditionally approve the Service Plan subject to the submission of additional information relating to same pursuant to MMC Section 12-2-50.

Section 2. Based on the contents of the Service Plan and other evidence presented at the public hearing of the Board of Trustees held on June 27, 2022 and continued to July 11, 2022, and in accordance with MMC Section 12-2-50, the Board of Trustees hereby finds and determines as follows:

- a. There is sufficient existing and projected need for organized service in the area to be served by the proposed Districts;
- b. The existing service in the area to be served by the proposed Districts is inadequate for present and projected needs;
- c. The proposed Districts are capable of providing economical and sufficient service to the area within its proposed boundaries; and
- d. The area to be included within the proposed Districts has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
- e. The Service Plan is in substantial compliance with Chapter 12 of the MMC, and is in substantial compliance with provisions of the Town's model service plan, as required in accordance with MMC Section 12-2-20.

Section 3. The Service Plan for the Districts in the form attached to this Resolution as ATTACHMENT A is hereby approved, subject to the following condition(s):

- a. The Districts' Boards of Directors shall execute the Intergovernmental Agreement (in substantially the form attached as Exhibit C to the Service Plan) (the "Town-District IGA") within 90 days after the entry of the decree of formation of the Districts and shall file an executed duplicate original of such executed Town-District IGA with the Town Clerk within ten (10) days of the date of execution.
- b. The Districts' Boards of Directors shall execute the assignment of that certain License and Easement Agreement (in substantially the form attached as Exhibit C-1 to the Service Plan) (the "Town-District Assignment") within 90 days after the entry of the order and decree of formation of the Districts issued by the Weld County District Court and shall file an executed duplicate original of such executed Town-District Assignment with the Town Clerk within ten (10) days of the date of execution.

- c. The Districts shall not incur any indebtedness or impose any taxes or fees until the Districts have approved and executed the Town-District IGA and Town-District Assignment as required above.

Section 4. The Board of Trustees hereby approves the Town-District IGA in substantially the form attached as Exhibit C to the Service Plan and: (a) authorizes the Mayor or Town Manager, in consultation with the Town Attorney, to make such other changes as may be needed to the Town-District IGA in order to correct any nonmaterial errors or language; and (b) authorizes the Mayor to execute the Town-District IGA on behalf of the Town following approval as to form by the Town Attorney and following the date on which the Districts' Boards of Directors have caused an executed duplicate original of the Town-District IGA to be filed of record with the Town Clerk.

Section 5. The Board of Trustees hereby approves the Town-District Assignment in substantially the form attached as Exhibit C to the Service Plan and: (a) authorizes the Mayor or Town Manager, in consultation with the Town Attorney, to make such other changes as may be needed to the Town-District Assignment in order to correct any nonmaterial errors or language; and (b) authorizes the Mayor, Mayor Pro-Tem or Town Manager to execute the Town-District Assignment on behalf of the Town following approval as to form by the Town Attorney and following the date on which the Districts' Boards of Directors have caused an executed duplicate original of the Town-District Assignment to be filed of record with the Town Clerk

Section 6. Approval of this Resolution is not a waiver of, nor a limitation upon any power that the Town is legally permitted to exercise with respect to the Initial District Boundaries or Inclusion Area Boundaries proposed to be served by the proposed Districts.

Section 7. 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 during regular business hours.

Section 8. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this Resolution.


Section 9. Effective Date. This Resolution shall take effect upon its approval by the Board of Trustees.

INTRODUCED, READ, PASSED AND ADOPTED THIS 11TH DAY OF JULY, 2022.

ATTEST:

TOWN OF MEAD

By: Mary E. Strutt
Mary E. Strutt, MMC, Town Clerk



By: Colleen G. Whitlow
Colleen G. Whitlow, Mayor

ATTACHMENT A

Service Plan for Access 25 Metropolitan District Nos. 1-6

[The Service Plan may be accessed at the following link:

<https://www.dropbox.com/sh/al7qgx3yt54y89e/AAB6X9Px-U706ZZMJgUFcaFza?dl=0>.

[A copy of the Service Plan will be attached to the execution version of this Resolution at the request of the Proponent]