

**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 1013**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO,  
APPROVING WITH CONDITIONS THE AGFINITY STATION MEAD SITE PLAN  
AMENDMENT NO. 1**

**WHEREAS**, the Town of Mead is authorized to regulate the use and development of land within its jurisdiction, pursuant to Title 31, Article 23, C.R.S., Title 29, Article 20, C.R.S. and the Town’s Land Use Code, codified in Chapter 16 of the *Mead Municipal Code* (the “MMC”); and

**WHEREAS**, the property owner, AGFINITY, INC. (the “Owner” or “Agfinity”), submitted an application to amend a site plan designated as the AGFINITY STATION MEAD SITE PLAN AMENDMENT NO. 1 (the “Site Plan”), for certain property generally located northwest of the intersection of Welker Avenue and 3<sup>rd</sup> Street in the Town of Mead, Colorado, and legally described in Exhibit 1, attached hereto (the “Property”); and

**WHEREAS**, the Owner desires to develop a convenience store, refueling station, and car wash on the Property, together with certain public improvements including sidewalks, street cuts, drainage, grading, landscaping, and other improvements, as shown in the Site Plan, and as set forth and described in the Site Plan Agreement, recorded in the Weld County real property records at Reception No. 4832583; and

**WHEREAS**, in accordance with Section 16-4-100(b)(8) of the MMC, Town staff has approved the Site Plan, subject to standard conditions; and

**WHEREAS**, Section 16-4-100(b)(9) of the MMC requires that the Site Plan be presented to the Board of Trustees for its adoption by ordinance; and

**WHEREAS**, the Town Board of Trustees has reviewed the Site Plan and has determined that the Site Plan satisfies the site plan review criteria set forth in the MMC; and

**WHEREAS**, the administrative record for this case includes, but is not limited to, the MMC, the Town of Mead Comprehensive Plan, all other applicable ordinances, resolutions and regulations, the staff report/agenda item summary presented to the Board of Trustees, the Site Plan application and all other submittals of the Owner, the Site Plan, and the recording and minutes of the Board of Trustees meeting at which the Site Plan was considered.

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

**Section 1. Recitals incorporated.** The foregoing recitals are incorporated herein as findings of the Board of Trustees.

**Section 2. Site Plan Approval.** The Site Plan is approved subject to the following conditions:

- a. The Owner will submit all post-approval documents required by Section 16-4-100 of the MMC prior to the issuance of a building permit; and

b. The Owner shall resolve and correct any technical issues as directed by Town Staff prior to signature of Town officials on the Site Plan; and

c. The Owner shall pay all fees and cost incurred by the Town and its consultants in reviewing and processing the Site Plan application; and

d. Approval of the Site Plan is contingent upon and shall not be effective until approval of the Agfinity Station Mead Planned Unit Development (PUD) and Zoning Map.

**Section 3.** The Mayor is hereby authorized to sign the Site Plan on behalf of the Town, and the Town Clerk is hereby authorized to attest the signature of the Mayor on the Site Plan.

**Section 4. Effective Date.** This ordinance shall be published and become effective as provided by law.

**Section 5. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

**Section 6. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

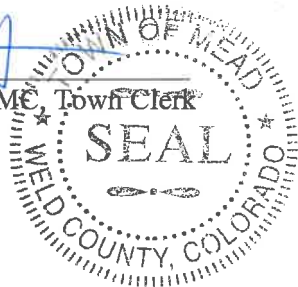
**Section 7. Certification.** The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the ordinance available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 26TH DAY OF SEPTEMBER, 2022.**

ATTEST:

By: 

Mary E. Strutt, MMC, Town Clerk



TOWN OF MEAD:

By: 

Colleen G. Whitlow, Mayor

**Exhibit 1**  
**Legal Description**

THAT PORTION OF BLOCK 5, TOWN OF MEAD, IN THE SE 1/4 OF SECTION 9, TOWNSHIP  
3 NORTH, RANGE  
68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, MORE  
PARTICULARLY DESCRIBED

AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE SE 1/4 OF SAID SECTION 9 AS BEARING N 00° 01'  
39" W AND WITH

ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

COMMENCING AT THE SE CORNER OF SAID SECTION 9; THENCE S 89° 46' 44" W, 38.00  
FEET; THENCE N

00° 01' 39" W, 40.00 FEET TO THE TRUE POINT OF BEGINNING AT THE SE CORNER OF  
SAID BLOCK 5;

THENCE ALONG THE SOUTH LINE OF SAID BLOCK 5, S 89° 46' 44" W, 255.26 FEET;

THENCE PARALLEL

WITH AND 8.50 EASTERLY OF THE CENTERLINE OF THE GREAT WESTERN RAILWAY  
SIDETRACK, N 20°

56' 02" E, 713.54 FEET TO THE EAST LINE OF SAID BLOCK 5; THENCE ALONG SAID  
EAST LINE, S 00° 01'

39" E, 655.46 FEET TO THE TRUE POINT OF BEGINNING.

SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

Total acreage: 1.95 acres, more or less.

**Exhibit 2**  
**Agfinity Station Mead Site Plan Amendment No. 1**

[Exhibit attached]