

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 72-R-2022**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, GRANTING
CONDITIONAL ACCEPTANCE OF THE PHASE 1A IMPROVEMENTS
(ST. ACACIUS SUBDIVISION – REPLAT NO. 1)**

WHEREAS, Forestar (USA) Real Estate Group Inc., a Delaware corporation having a principal office address of 10700 Pecan Park Boulevard, Austin, Texas 78750 (“Developer”) has caused the completion of certain public improvements benefitting the St. Acacius Subdivision, Replat No. 1 Final Plat (“Development”), specifically the public improvements associated with **Phase 1A** of the Development (collectively, the “Improvements”); and

WHEREAS, the Improvements are identified in that certain Subdivision Improvement Agreement between Second Royalty LLC and the Town dated September 14, 2020 and recorded on September 14, 2020 at Rec. No. 4629455 in the Weld County property records (“County Records”), as assigned to Developer by that certain Assignment and Assumption of Subdivision Improvements Agreement dated November 9, 2020 and recorded in the County Records on November 16, 2020, at Rec. No. 4651444, and as amended by that certain First Amendment to Subdivision Improvement Agreement dated April 13, 2020 and recorded on March 19, 2021, at Rec. No. 4694812 in the County 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 September 26, 2022, 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 September 26, 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.

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 26TH DAY OF SEPTEMBER, 2022.

ATTEST:

TOWN OF MEAD

By

Mary E. Strutt, Deputy Town Clerk

By

Colleen G. Whitlow, Mayor



Exhibit A
Final Punchlist (for Conditional Acceptance – Phase 1A)
(attached – 30 pages)

Exhibit B

Additional conditions (Conditional Acceptance – Phase 1A)

1. Developer shall provide public improvement cost estimates for Phases 1A and 1B to be reviewed and approved by the Town. Developer shall replace LOC NUSCGS034528, dated November 13, 2020, in the amount of \$7,549,755.00 (and having an expiration date of November 30, 2022) (the “Phase 1 LOC”) with two new LOCs for Phases 1A and 1B in the form required by the SIA. The LOC for Phase 1A shall be **in the amount of not less than 15% of the approved public improvement cost estimate for Phase 1A** and have an expiration date not earlier than November 21, 2024 (“Phase 1A Replacement LOC”). The LOC for Phase 1B shall be **in the amount of not less than 115% of the approved public improvement cost estimate for Phase 1B** and have an expiration date not earlier than November 21, 2024 (“Phase 1B Replacement LOC”). The Developer shall file the Replacement LOCs with the Town Engineer on or before October 24, 2022. Upon filing of the Replacement LOCs, the Town Engineer or designee shall cause the Phase 1 LOC to be released. The Replacement LOCs shall be released in accordance with the terms of the SIA and the *Mead Municipal Code*.



September 10, 2022

Mr. Lars Monson, Development Director
Forestar (USA) Real Estate Group
188 Inverness Drive West, Suite 420
Englewood, Colorado 80112

RE: Conditional Acceptance of St. Acacius (Lakeside Canyon), Phase 1A and Weld County Road (WCR 28), Public Improvements

Dear Mr. Monson,

In April 2022, Town of Mead Staff completed an inspection of the on-site public infrastructure improvements in Phase 1A of the St. Acacius (Lakeside Canyon) Subdivision. The purpose of this inspection was to confirm completion of construction of the on-site public infrastructure improvements, assess the condition of the improvements installed, and generate a punchlist detailing deficiencies requiring completion or correction prior to issuance of Conditional Acceptance. On-site landscaping and off-site infrastructure improvements were not complete, and thus not included in the inspection. A letter describing the Conditional Acceptance process and requirements, with the punchlist attached, was subsequently sent to you on or about April 13, 2022.

In August 2022, Town Staff completed an inspection of the on-site landscaping and off-site WCR 28 public improvements, as well as deficiencies previously identified on the Pre-Conditional Acceptance Punchlist. The purpose of this inspection was to confirm completion of construction of the on-site landscaping and off-site WCR 28 public improvements, assess the condition of the improvements installed, and add to the previously generated punchlist any deficiencies requiring completion or correction prior to issuance of Conditional Acceptance.

The attached Punchlist, Photos, and Maps summarize the work required to be completed or corrected in order for Phase 1A Conditional Acceptance to be granted. The Developer shall complete all punchlist items within 30 days of the date of this letter, unless otherwise directed by Town Staff. Once these punchlist items have been completed and approved by Town Staff, Conditional Acceptance of the public improvements for Phase 1A, St. Acacius (Lakeside Canyon) Subdivision, will be issued.



Once Conditional Acceptance is granted, those included public improvements will enter a 2-year warranty period, during which the developer shall, at his or her own expense, take all actions necessary to maintain the public improvements and make needed repairs or replacements that, in the reasonable opinion of the Town, shall become necessary.

No sooner than sixty (60) days, and at least thirty (30) days, before the end of the 2-year warranty period, and during the growing season (May 1 through October 31), the Developer shall request an inspection of the public improvements. Once the public improvements are judged by the Town to be in satisfactory condition, the Town shall grant Final Acceptance by resolution of the Board of Trustees.

Sincerely,

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

Signed: 09/09/2022 @ 8:23:45 AM

Robyn Brown, P.E.

Deputy Town Engineer

ATTACHMENTS:

- St. Acacius (Lakeside Canyon), Phase 1A, Public Improvements – Punchlist
- St. Acacius (Lakeside Canyon), Phase 1A, Public Improvements – Pre-Conditional Acceptance Deficiencies Map
- St. Acacius (Lakeside Canyon), Phase 1A, On-Site Improvements – Pre-Conditional Acceptance Letter
- St. Acacius (Lakeside Canyon), Phase 1A, On-Site Improvements – Pre-Conditional Acceptance Photos
- St. Acacius (Lakeside Canyon), Phase 1A, Off-Site Improvements (WCR 28) – Photos
- St. Acacius (Lakeside Canyon), Phase 1A, Off-Site Improvements (WCR 28) – Conditional Acceptance Deficiencies Map

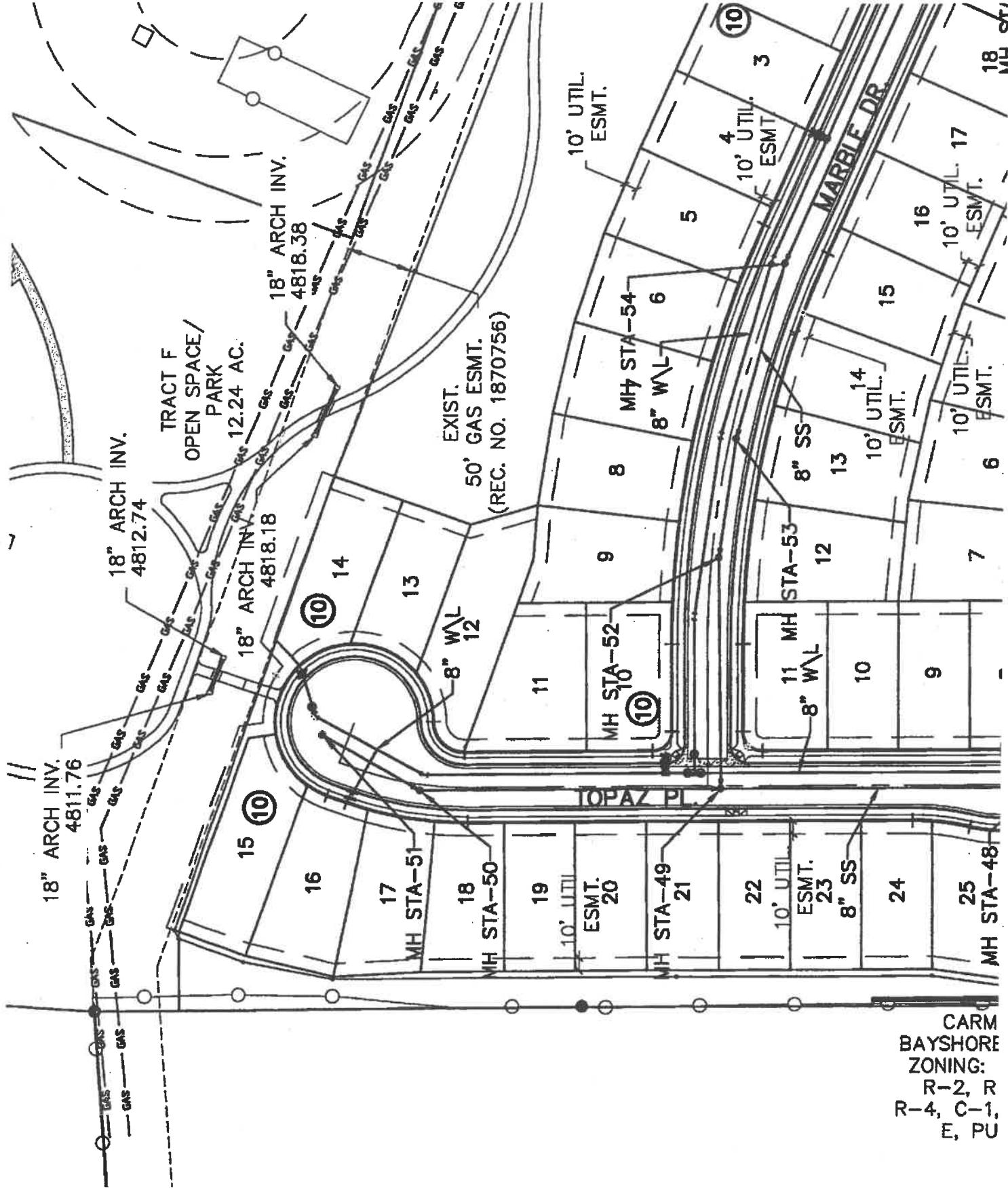


Project Name: Lakeside Canyon (Saint Acacius)
Contractor: Forestar
Inspector: Deano Korecky Jr.
Punchwalk Dates: April 8th, April 11th, & April 12th
Pre-Walk for Conditional Acceptance: Phase 1A (81 Lots)

Punch List Items						
No.	Item	Description	Location	Observation Date	Completion Date	Town Sign-Off
1	Concrete	Mid-Block ADA Ramps and proper signage	Siltstone Street (Phase 1A)	4/8/2022	5/11/2022	DK
2	Concrete	ADA Ramp not ADA compliant	Gypsum Avenue/Marble Drive (Phase 1A)	3/29/2022	4/4/2022	DK
3	Concrete	Sidewalk incomplete	Tract D & Tract E (Phase 1A)	4/8/2022	5/11/2022	DK
4	Concrete	Seal all ADA ramp holes with silicone	Phase 1A	4/8/2022	In Process	
5	Expansion	Seal all expansion per Town of Mead standards	Phase 1A	4/8/2022	In Process	
6	Backfill Concrete	Concrete needs to be backfilled	Phase 1A	4/12/2022	In Process	
7	Detention Basin	Pond certificate	Tract E (Phase 1A)	4/12/2022	In Process	
8	Manhole/Valves	Make sure they are operable (few need to be lowered marked in pink)	Phase 1A	4/11/2022	8/17/2022	DK
9	Street Lights	Some street lights are not complete	Phase 1A	4/11/2022	In Process	
10	As-Builts	Provide As-builts in CAD Files (make sure to include box culvert)	Phase 1A	4/11/2022	In Process	
11	Storm	Clean up sediment in all inlet storm drains	Phase 1A	4/12/2022	In Process	
12	Storm	Wrong lids on storm manholes, replace per Town of Mead Standards	Phase 1A	4/8/2022	In Process	
13	Erosion Control	Native seed around box culvert and blankets	Phase 1A	4/12/2022	6/3/2022	Temp
14	Housekeeping	Cleanup job site (Could not inspect areas due to clean up)	Phase 1A	4/12/2022	In Process	
15	Stockpiles/Grading	Clean up all stockpiles and final grading needs to be completed in areas	Phase 1A	4/12/2022	In Process	
16	CR 28	Nothing has been completed	CR 28	4/11/2022	8/30/2022	DK
17	CR 28	Additional Paving agreed upon Town of Mead & Forestar	CR 28	4/11/2022	6/11/2022	DK
18	Underdrain	Not doing what's it's intended (visible ground water)	Phase 1A	4/8/2022	In Process	
19	Asphalt	Areas have segregated asphalt	Phase 1A	4/11/2022	8/17/2022	DK
20	Thermoplastic Symbols	Peeling off need to be redone	Gypsum Avenue	4/11/2022	In Process	
21	Inlet	Inlet is higher than the detached sidewalk	NE corner of Gypsum Avenue/Garnet Way	4/11/2022	8/5/2022	DK
22	Mailboxes	Remove mailboxes out of the ROW	Marble Drive (Phase 1A)	4/5/2022	In Process	
23	Water (LTWD)	Provide Acceptance document from LTWD	Interior of Phase 1A	3/11/2022	3/11/2022	DK
24	Water (LTWD)	Provide Acceptance document from LTWD	WCR 28	3/11/2022	In Process	
25	St. Vrain (Sewer)	Provide Acceptance document from St. Vrain Sanitation District	Phase 1A	3/30/2022	3/30/2022	DK
26	Town of Firestone	Provide Acceptance document from Town of Firestone	CR 9.5 (Phase 1A)	4/12/2022	In Process	
27	Retaining Wall	Separating retaining wall	Phase 1A	4/11/2022	In Process	
28	Landscaping	Nothing has been completed	Phase 1A	4/8/2022	In Process	
WCR 28 Punchlist (July 30th, 2023)						
1	Concrete	Farmer/Oil Field Entrance (Per new design)	Siltstone Street (Phase 1A)	8/30/2022	In Process	
2	Concrete	Curb on the west end needs to be redone (Per new design)	Westend on the southside of WCR 28	8/30/2020	In Process	
3	Concrete	ADA ramps and sidewalk incomplete (Per new design)	Southwest corner of CR 28/CR 9.5	8/30/2022	In Process	
4	Concrete	Clean and seal all ADA ramp holes with silicone	WCR 28	8/30/2022	In Process	
5	Concrete (Expansion)	Seal all expansion per Town of Mead standards	WCR 28	8/30/2022	In Process	
6	Concrete (Backfill)	Concrete needs to be backfilled	WCR 28	8/30/2020	In Process	
7	Asphalt	Did not pave all the way on the northside of box culvert	Northside of box culvert on WCR 28	8/30/2022	In Process	
8	Stripping	Confirm epoxy paint was put down	WCR 28	8/30/2022	In Process	
9	Stripping and Symbols	Stripping not completed	WCR 28	8/30/2020	8/6/2022	DK

Punch List Items

No.	Item	Description	Location	Observation Date	Completion Date	Town Sign-Off
10	Symbols	Street symbols need to be complete and redone	WCR 28/Limestone Avenue	8/30/2022	In Process	
11	Symbols	Additional arrows and "ONLY"	WCR 28	8/30/2022	8/6/2022	DK
12	Signs	All the signs need to be installed (some are damaged)	WCR 28	8/30/2022	In Process	
13	Stockpiles/Grading	Clean up all stockpiles and final grading needs to be completed in areas	WCR 28	8/30/2022	In Process	
14	Guardrail	Needs to be bolted and set to final grade	WCR 28	8/30/2020	In Process	
15	Handrail	Needs to be installed (Communicate with ditch company)	WCR 28	8/30/2022	In Process	
16	Box Culvert	Need As-Builts	WCR 28	8/30/2022	In Process	
17	As-Builts	Need As-Builts	WCR 28	8/30/2022	In Process	
18	Street Lights	Street lights need to be installed per plan	WCR 28/Limestone Avenue	8/30/2022	In Process	
19	Water (LTWD)	Provide Acceptance document from LTWD	WCR 28	8/30/2020	In Process	
20	Fire Hydrant	Installed low	WCR 28	8/30/2022	In Process	
21	Manhole	Manhole for air vac in median is high	WCR 28	8/30/2022	In Process	
22	Utilities Box	Utilities box needs to be set to grade in the median	WCR 28	8/30/2022	In Process	
23	Conduit	All conduits need to be covered with peds	WCR 28	8/30/2022	In Process	
24	Landscaping	No landscaping has been completed	WCR 28	8/30/2020	In Process	
25	Town of Firestone	Provide Acceptance document from Town of Firestone	WCR 28/CR 9.5	8/30/2022	In Process	
26	St. Vrain (Sewer)	Provide Acceptance document from St. Vrain Sanitation District	WCR 28	8/30/2022	In Process	



18" ARCH INV.
4811.76

18" ARCH INV.
4812.74

TRACT F
OPEN SPACE/
PARK
12.24 AC.

18" ARCH INV.
4818.18

18" ARCH INV.
4818.38

EXIST.
50' GAS ESMT.
(REC. NO. 1870756)

TOPAZ PL.

MARRIE DR.

CARM
BAYSHORE
ZONING:
R-2, R
R-4, C-1,
E, PU



April 13, 2022

Mr. Lars Monson, Development Director
Forestar (USA) Real Estate Group, Inc.
10700 Pecan Park Blvd., Suite 150
Austin, TX 78750

RE: Lakeside Canyon, Phase 1A – Punchlist Items Required Prior to Conditional Acceptance of Public Infrastructure Improvements

Dear Mr. Monson,

On April 11 and 12, 2022, Town Staff performed an inspection of the on-site public infrastructure improvements in Phase 1A at the Lakeside Canyon subdivision. The purpose of this inspection was to review the condition of the improvements installed, confirm completion of construction of the public infrastructure improvements, and develop a punchlist of deficiencies that need to be repaired and/or replaced prior to issuance of Conditional Acceptance. Although the Town considers the on-site infrastructure improvements in Phase 1A substantially complete, the items summarized on the attached exhibit, as well as on-site landscaping and off-site infrastructure improvements, will require completion prior to Conditional Acceptance of Phase 1A.

The attached spreadsheet and photos summarize the work to be completed or corrected. Inspection of on-site landscaping and off-site public infrastructure improvements were 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 these punchlist items, as well as Phase 1A on-site landscape and off-site public infrastructure improvements, have been completed and approved by Town staff, Conditional Acceptance of Phase 1A 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 1A Public Infrastructure Improvements.

Sincerely,

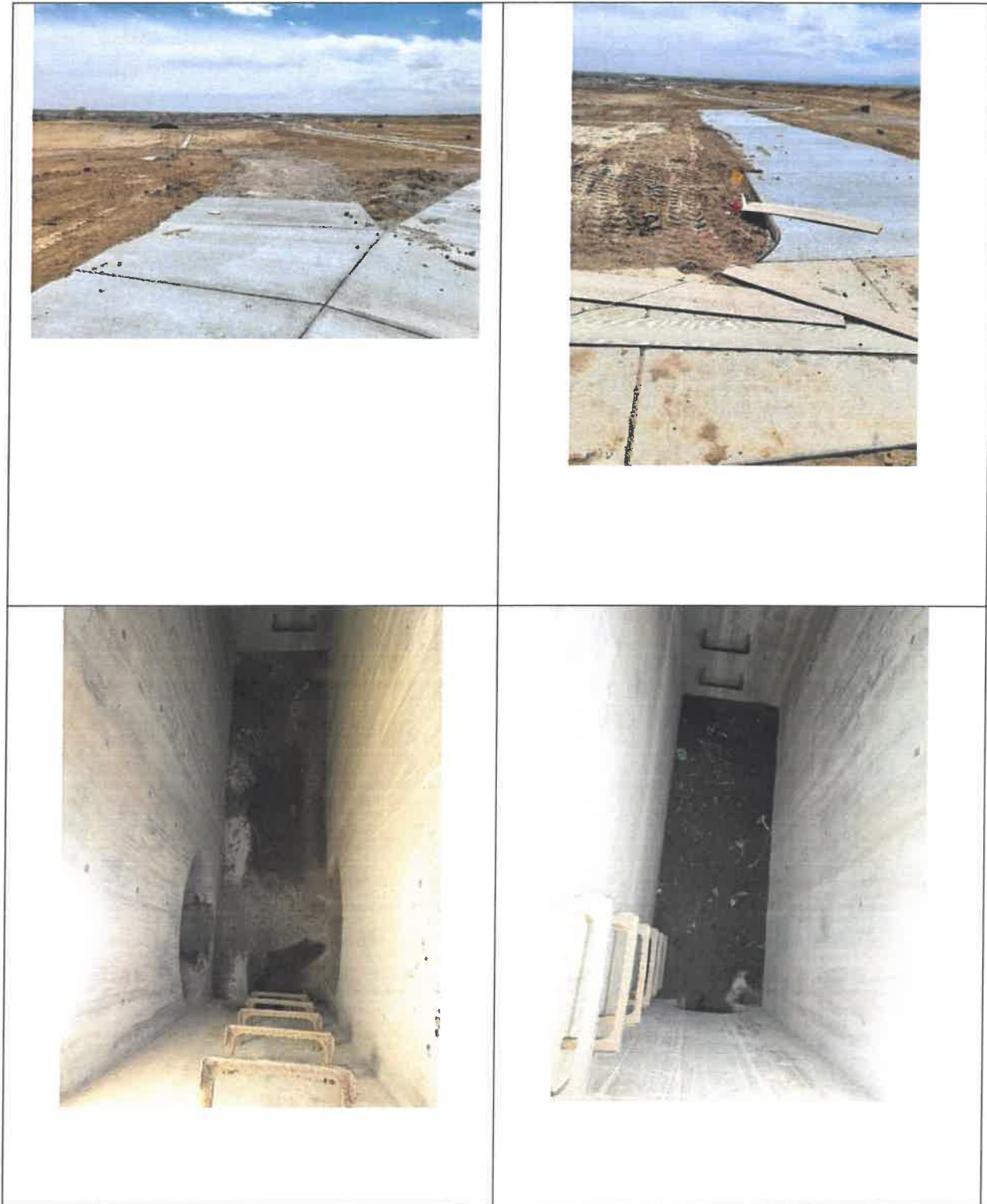
Robyn Brown, P.E.
Deputy Town Engineer



























Lakeside Canyon (Saint Acacius)
Contractor: Forestar
April 13, 2022
On-Site Infrastructure Punch-list Phase 1A





Symbols



Symbols



Framers/Oil Field Access



Handrail for Ditch Company



Street Sign



**Concrete
Backfill not done for over a month**



**Concrete (Damaged)
Backfill not done for over a month**



**Concrete (Damaged)
Backfill not done for over a month**



Guardrail needs to be secured and set



Clean up/Backfill



Utility Box low



Hydrant low



**Concrete
Clean up/seal all ADA ramps**



Concrete Clean up



Concrete Clean Up



Utilities Exposed/Clean Up



Concrete
Clean up/seal all ADA ramps



Utilities covered with peds
Clean up



Concrete
Backfill not done for over a month



"ONLY" Symbols



**Concrete (Damaged)
Backfill not done for over a month**

Damaged Street Sign



**Concrete (Damaged)
Backfill not done for over a month**



**Concrete (Damaged)
Backfill not done for over a month**



Concrete (Damaged)



Concrete (Damaged)





Redo Symbol



Concrete Item (No flaggers with traffic control)



**Concrete (Clean up and curb not tapered to zero)
Backfill/Cleanup**



**Concrete (Joint alignment)
Backfill/Cleanup**



Concrete Item (Hole was full of water)



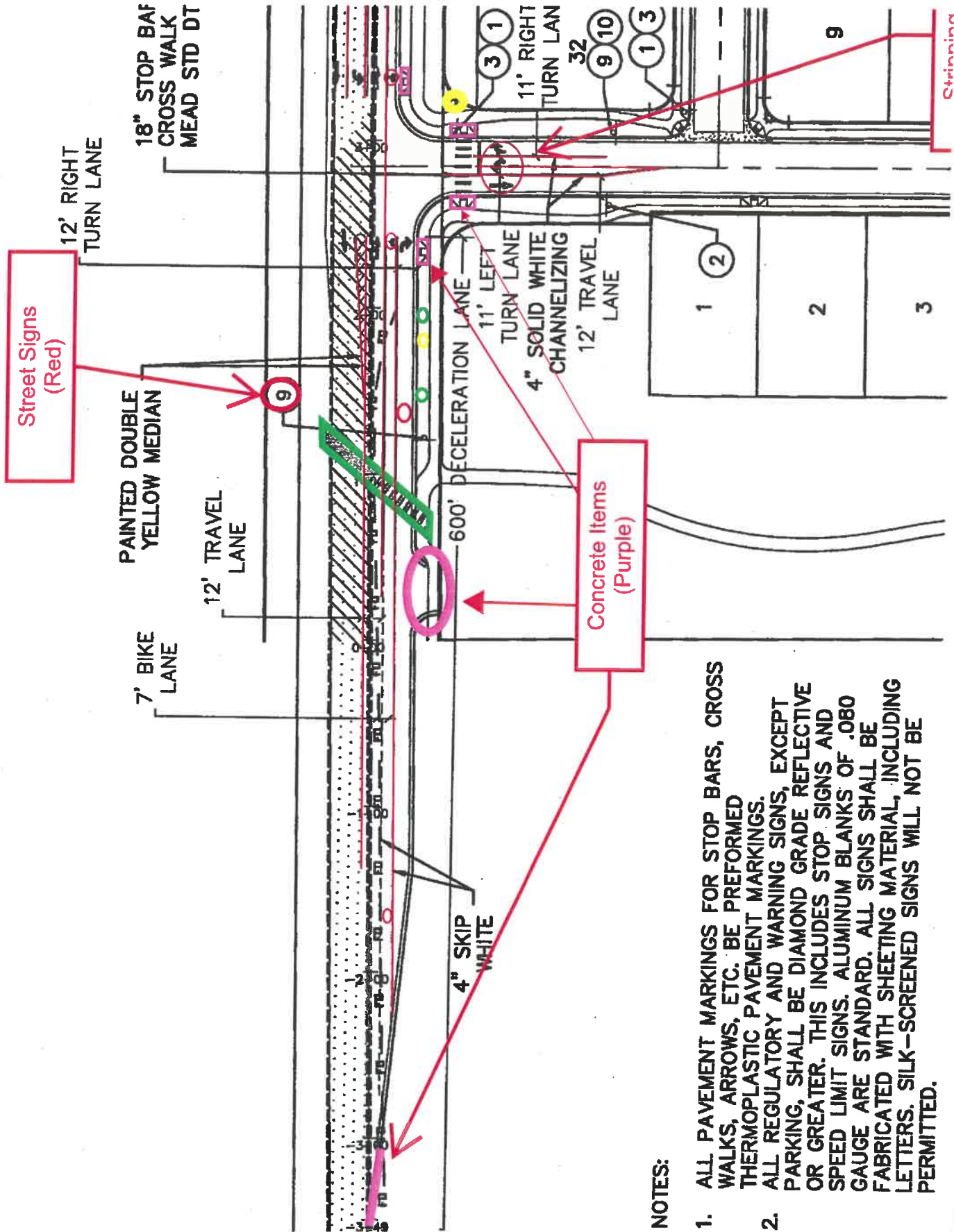
Concrete Item (No flaggers with traffic control)



Concrete (Joint alignment)



Concrete (Joint alignment)



NOTES:

1. ALL PAVEMENT MARKINGS FOR STOP BARS, CROSS WALKS, ARROWS, ETC. BE PERFORMED THERMOPLASTIC PAVEMENT MARKINGS.
2. ALL REGULATORY AND WARNING SIGNS, EXCEPT PARKING, SHALL BE DIAMOND GRADE REFLECTIVE OR GREATER. THIS INCLUDES STOP SIGNS AND SPEED LIMIT SIGNS. ALUMINUM BLANKS OF .080 GAUGE ARE STANDARD. ALL SIGNS SHALL BE FABRICATED WITH SHEETING MATERIAL, INCLUDING LETTERS. SILK-SCREENED SIGNS WILL NOT BE PERMITTED.