

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 18-R-2023**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, GRANTING
CONDITIONAL ACCEPTANCE OF THE PHASE 1 PUBLIC IMPROVEMENTS
FOR POSTLE SUBDIVISION, FILING NO. 1, LOT 2 (PROJECT FROGGER)**

WHEREAS, Mead Industrial Development, LLC, a Colorado limited liability company, and Mead Investors 1, LLC, a Colorado limited liability company (together referred to herein as “Developer”) has caused the completion of certain public improvements benefitting the Postle Subdivision Filing No.1 Final Plat (“Development”), specifically the public improvements associated with Phase 1 on **Lot 2** of the Development but excluding the Phase 1 landscape improvements (collectively, the “Phase 1 Improvements”); and

WHEREAS, the Phase 1 Improvements are identified in that certain Subdivision Improvement Agreement dated February 14, 2022, and recorded on March 22, 2022, at Reception No. 4811738 in the Weld County property records, as amended by that certain First Amendment to Subdivision Improvement Agreement dated October 10, 2022 (together, the “SIA”); and

WHEREAS, the Phase 1 Improvements are subject to a warranty period of two (2) years following the conditional acceptance of the improvements, and conditional acceptance is accomplished by resolution of the Board of Trustees per Section 16-4-130 of the *Mead Municipal Code* (“MMC”); and

WHEREAS, Developer has requested conditional acceptance of the Phase 1 Improvements by the Board of Trustees of the Town of Mead; and

WHEREAS, the Town Engineer has reviewed the construction of Phase 1 Improvements, has determined that the Phase 1 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 Phase 1 Improvements, 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 Phase 1 Improvements subject to the conditions set forth in this Resolution; and

WHEREAS, the MMC requires the Developer to maintain the Phase 1 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 Phase 1 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 Phase 1 Improvements in accordance with the requirements set forth in the MMC, the Town may withhold final acceptance of the Phase 1 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. Recitals. The foregoing recitals are incorporated herein by reference as findings and determinations of Board of Trustees.

Section 2. Conditional Acceptance of Phase 1 Public Improvements. The Board of Trustees on behalf of the Town of Mead, hereby grants “conditional acceptance” of the Phase 1 Improvements identified in this Resolution and orders the commencement of the two (2) year warranty period to begin May 1, 2023 (“Date of Conditional Acceptance”).

Section 3. Developer Obligation to Maintain Improvements during Guarantee Period. Developer shall maintain the Phase 1 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 Phase 1 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 Phase 1 Improvements during the Guarantee Period shall violate the requirements this Section 3 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 Phase 1 Improvements during the Guarantee Period and prior to final acceptance of the Phase 1 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 4. 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 5. 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.

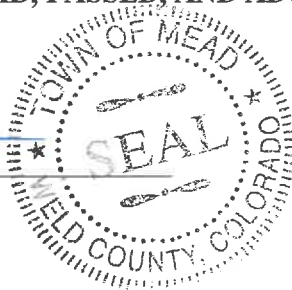
Section 6. Effective Date. This resolution shall become effective immediately upon adoption.

Section 7. 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 13TH DAY OF MARCH 2023.

ATTEST:

By: 
Mary Strutt, Town Clerk




TOWN OF MEAD
By: 
Colleen G. Whitlow, Mayor



Exhibit A
Final Punchlist (for Conditional Acceptance)

Project Name: Project Frogger
 Contractor: Broe
 Inspector: Ryan Corbett

Punchwalk Dates:

Pre-Walk for Conditional Acceptance: 10/28/22, 11/18/22, 12/7/22, 12/15/22, 12/21/22, 1/26/23

Punch List Items						
No.	Item	Description	Location	Observation Date	Completion Date	Town Sign-Off
1	Sanitary Sewer					
1a	Sanitary Sewer	Ring knocked out of place when pouring concrete	MH12	10/28/2022	12/7/2022	RCC
1b	Sanitary Sewer	Ring knocked out of place when pouring concrete	MH10	10/28/2022	12/7/2022	RCC
1c	Sanitary Sewer	Gap between pipes 144' in	Between MH16-MH13	10/29/2022	12/7/2022	RCC
2	As-Builts					
2a	Pond	Detention pond as-built	SW corner of site	11/18/2022	1/27/2023	RCB
2b	Storm Sewer	Storm Sewer as-builts	entire storm sewer	11/18/2022	1/27/2023	RCB
2c	Sanitary Sewer	Sanitary sewer as-builts	entire sanitary run	11/18/2022	1/27/2023	RCB
2d	CR 36	CR 36 as-built	CR36	11/18/2022	1/27/2023	RBC
3	Outside Agency Sign Offs					
3a	McKay Lateral	McKay lateral sign off	McKay Lateral	11/18/2022	2/21/2022	RCB
3b	LTD	Little Thompson Water District	Water line	11/18/2022	2/15/2023	RCB
3c	CDOT	Traffic signals at I25 Remaining Items: 1- The cabling for each hand rail at the cabinets needs to be better secured and tightened for safety reasons. 2- The UPS in the signal cabinet for the Southbound ramp is not functioning properly, it is bad. This needs to be replaced before we sign off on the inspection and we take over operation. 3- The Stop signs need to be removed.	CR 34 & I25	2/16/2023	2/15/2023	RCB
4	Asphalt					
4a	Sign	Asphalt Ends Sign	East end of CR36 paving	11/18/2022	1/26/2023	RCC
4b	Sign	WCR 36	Intersection of 36 & Frontage Road	11/18/2022	1/26/2023	RCC
5	Concrete	Curb/gutter and sidewalk on WCR36				
6	Street Lights	Along WCR 36			12/7/2022	RCC
7	Storm				12/15/2022	RCC
8	Erosion Control				12/15/2022	RCC
9	Housekeeping	Need to clean up area where trailers/staging areas were		1/26/2023	pending	RCB
10	Stockpiles/Grading					
11	Landscaping				1/26/2023	RCB
11a	CR 36 Planting				pending	RCB
11b	CR 36 Seeding				pending	RCB
11c	Interior Seeding				pending	RCB
11d	Landscaping	Landscaping Engineer - tree count	Entire site	11/18/2022	pending	RCB

Exhibit B

Additional conditions (Conditional Acceptance)

1. Developer shall replace LOC NUSCGS040927 dated February 14, 2022, in the amount of \$1,196,028 (and having an expiration date of December 31, 2024) (the "LOC") with a new LOC in the form required by the SIA **in the amount of not less than \$228,021.42** and having an expiration date not earlier than August 1, 2025 ("Replacement LOC"). The Developer shall file the Replacement LOC with the Town Engineer on or before April 1, 2023. Upon filing of the Replacement LOC, the Town Engineer or designee shall cause the LOC to be released. The Replacement LOC shall be released in accordance with the terms of the SIA and the *Mead Municipal Code*.