

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 36-R-2023**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, GRANTING
CONDITIONAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS
ASSOCIATED WITH THE AGFINITY STATION DEVELOPMENT**

WHEREAS, Agfinity, Inc., a Colorado cooperative with offices at 4065 St. Cloud Street, Suite 100, Loveland, Colorado 80538 (the “Developer”), has caused the completion of certain public improvements identified in the Site Plan Agreement (the “SPA”) for the Agfinity Station Development, dated May 10, 2022 and recorded on June 3, 2022 at Reception No. 4832583 in the Weld County property records (the “Public Improvements”); and

WHEREAS, the Public Improvements are subject to a warranty period of two (2) years following conditional acceptance; and

WHEREAS, conditional acceptance marks the beginning of the two (2) year warranty guaranty period following the effective date of the Town of Mead Board of Trustees’ resolution granting conditional acceptance;

WHEREAS, Section 1.3 of the Site Plan Agreement requires the Developer to request in writing the inspection and conditional acceptance of the Public Improvements; and

WHEREAS, the Developer has requested conditional acceptance of the Public Improvements by the Board; and

WHEREAS, the Town Engineer has reviewed the installation of the Public Improvements, has determined that the Public Improvements have been installed in substantial conformance with the Town’s construction standards and the requirements of the Site Plan Agreement, and is recommending that the Board grant conditional acceptance of the Public Improvements effective May 30, 2023, as set forth and confirmed in that certain letter from the Town to Developer dated May 31, 2023, a copy of which is attached to this Resolution as **Exhibit A**; and

WHEREAS, the Board of Trustees desires to grant conditional acceptance of the Public Improvements subject to the conditions set forth in this Resolution; and

WHEREAS, the *Mead Municipal Code* (“MMC”) requires the Developer to maintain the Public 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 Public 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 Public Improvements in accordance with the requirements set forth in the MMC, the Town may withhold final acceptance of the public improvements or may take any other specific enforcement actions authorized by the Site Plan Agreement.

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 Public Improvements. The Board of Trustees on behalf of the Town of Mead, hereby grants “conditional acceptance” of the Public Improvements identified in this Resolution and orders the commencement of the two (2) year warranty period to begin May 30, 2023 (“Date of Conditional Acceptance”).

Section 3. Developer Obligation to Maintain Improvements during Guarantee Period. Developer shall maintain the Public 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 Public 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 Public 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 SPA, 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 Public Improvements during the Guarantee Period and prior to final acceptance of the Public 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 30TH DAY OF MAY, 2023.


ATTEST:

By: 
Mary E. Strutt, MMC, Town Clerk



The seal is circular with a double-line border. The outer ring contains the text "TOWN OF MEAD" at the top and "WELD COUNTY, COLORADO" at the bottom, separated by two stars. In the center, the word "SEAL" is written in a large, serif font, with a decorative flourish below it.

TOWN OF MEAD

By: 
Colleen G. Whitlow, Mayor

Attachment(s):

Exhibit A – Final Punchlist Letter and Table

Exhibit B – Additional Conditions (Conditional Acceptance)

Exhibit A
Final Punchlist Letter and Table



May 31, 2023

Mr. Dan Riddle, CEO
Agfinity, Inc.
4065 St. Cloud Street, Suite 100
Loveland, Colorado 80538

RE: Conditional Acceptance of Agfinity Station Development Public Improvements

Dear Mr. Riddle,

This letter and the attached Resolution are to notify you that the public improvements associated with the Agfinity Station Development have been granted Conditional Acceptance. In accordance with the Town of Mead *Design Standards and Construction Specifications*, Section 202.8.A.1.a, the two-year warranty for these improvements will begin May 30, 2023.

In April and May 2023, Town of Mead Staff completed inspections of the referenced public improvements. The purpose of these inspections was to confirm completion of construction of those improvements, assess the condition of the improvements installed, and generate a punchlist detailing deficiencies requiring completion. All punchlist items have been corrected and accepted.

Once Conditional Acceptance is granted, the public improvements will enter a 2-year warranty period, during which the developer shall, at its 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.



Please note that, with conditional acceptance of the public improvements, Agfinity, Inc. may replace LOC 00653675 dated May 3, 2022, in the amount of \$164,860 (and having an expiration date of May 3, 2023) (the “LOC”) with a new LOC in the form required by the SPA **in the amount of not less than \$24,729** and having an expiration date not earlier than August 31, 2025 (“Replacement LOC”). The Replacement LOC must be filed with the Town on or before July 3, 2023.

Upon filing of the Replacement LOC, the Town Engineer or designee shall cause the LOC to be released.

Sincerely,

Robyn Brown, P.E.
Deputy Town Engineer

ATTACHMENTS:

- Agfinity Station Development Public Improvements – Punchlist
- Agfinity Station Development Public Improvements – Conditional Acceptance Deficiencies Map
- Agfinity Station Development Public Improvements Resolution No. 36-R-2023 dated May 30, 2023



Item #1



Item #1



Item #1



Item #1



Item #2 & #3



Item #2 & #3



Item #2 & #3



Item #2 & #3



Item #4



Item #4



Item #4



Item #5



SECTION 9, TOWNSHIP 3 NORTH, RANGE 68 WEST
 TOWN OF MEAD, COUNTY OF WELD, STATE OF COLORADO

**AGFINITY STATION, MEAD
 CONSTRUCTION DRAWINGS
 OVERALL UTILITY PLAN**

DATE	BY	TWC	APPROVAL
09/22/22	TWC		FOR CONSTRUCTION/LTMD APPROVAL
09/22/22	TWC		DATE

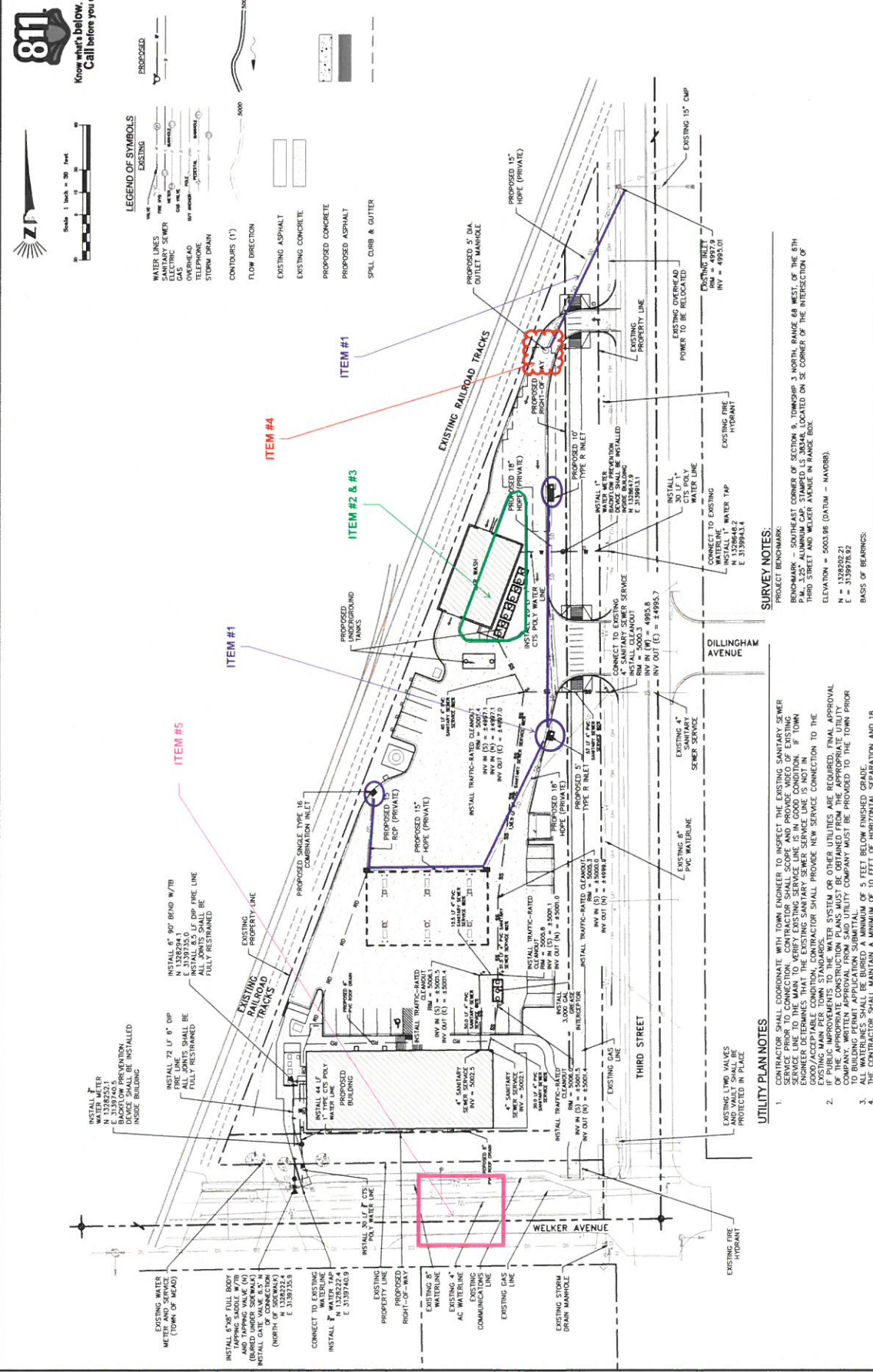
DATE	BY	TWC	APPROVAL
09/22/22	TWC		FOR CONSTRUCTION/LTMD APPROVAL
09/22/22	TWC		DATE

TOWN OF MEAD APPROVAL
 THESE PLANS ARE HEREBY APPROVED FOR ONE YEAR FROM THE DATE OF THE TOWN ENGINEER'S APPROVAL.

APPROVED BY: **Jeffrey A. Heston**
 TOWN ENGINEER

LITTLE THOMPSON WATER DISTRICT
 LITTLE THOMPSON WATER DISTRICT FOR WATER LINE IMPROVEMENTS AND SANITARY SEWER SERVICE AT THE INTERSECTION OF THIRD STREET AND WELKER AVENUE IN RANGE 68.

APPROVED BY: **John Hebert**
 DISTRICT ENGINEER



UTILITY PLAN NOTES

- CONTRACTOR SHALL COORDINATE WITH TOWN ENGINEER TO INSPECT THE EXISTING SANITARY SEWER SERVICE LINE TO THE MAIN TO VERIFY EXISTING SERVICE LINE IS IN GOOD CONDITION. IF TOWN ENGINEER DETERMINES THAT THE EXISTING SANITARY SEWER SERVICE LINE IS NOT IN GOOD/ACCEPTABLE CONDITION, CONTRACTOR SHALL PROVIDE NEW SERVICE CONNECTION TO THE MAIN. IF PUBLIC IMPROVEMENTS TO THE WATER SYSTEM OR OTHER UTILITIES ARE REQUIRED, FINAL APPROVAL OF THE APPROPRIATE CONSTRUCTION PLANS MUST BE OBTAINED FROM THE APPROPRIATE UTILITY TO BUILDING PERMIT APPLICATION SUBMITTAL.
- ALL WATER LINES SHALL BE BURIED A MINIMUM OF 5 FEET BELOW FINISHED GRADE.
- ALL EXISTING UTILITIES ARE APPROXIMATELY SHOWN AND LOCATIONS AND SIZES SHALL BE VERIFIED IN THE FIELD.
- ALL GATE VALVES SHALL HAVE VALVE BOXES.
- FIRE SPRINKLER SERVICES SHALL BE MECHANICALLY RESTRAINED DIP (OR PVC) WITH VALVE BOXES.
- WATER SERVICE SHALL BE MECHANICALLY RESTRAINED ALONG WITH THRUST BLOCK INSTALLATION.
- ALL FITTINGS SHALL BE MECHANICALLY RESTRAINED.
- ALL MANHOLES SHALL BE AIR TIGHT AND VACUUM TESTED IN ACCORDANCE WITH TOWN REQUIREMENTS.
- SANITARY SEWER AND STORM DRAIN DEPTHS SHALL BE LESS THAN 18" SHALL BE ENCASED WITH CONCRETE.

SURVEY NOTES:

PROJECT BENCHMARK:
 BENCHMARK - SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 3 NORTH, RANGE 68 WEST, OF THE 6TH P.M., 235' ALUMINUM CAP STAMPED LS 30848, LOCATED ON SE CORNER OF THE INTERSECTION OF THIRD STREET AND WELKER AVENUE IN RANGE 68.

ELEVATION = 5003.95 (DATUM - NAVD83)

N = 132820221
 E = 313997632

BASES OF BEARINGS:
 BEARINGS ARE BASED ON THE EAST LINE OF THE S.E. 1/4 OF SECTION 9, TOWNSHIP 3 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN BEARING 5007749'E.

EXISTING WATER METER AND SERVICE (TOWN OF MEAD)

INSTALL 6" X 6" FULL BODY TAPPING MANHOLE W/ 7/8" (BARED UNDER SIDEWALK) (NORTH OF 300' R/W) (E. 31397255.8)

CONNECT TO EXISTING WATERLINE
 INSTALL 4" TYPE CTS POLY W/ 1" TYPE CTS POLY WATER LINE
 INV IN (S) = 4500.1
 INV OUT (E) = 4499.0

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 INSTALL 4" TYPE CTS POLY WATER LINE
 INV IN (S) = 4500.1
 INV OUT (E) = 4499.0

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Exhibit B
Additional Conditions (Conditional Acceptance)

1. Developer shall replace LOC 00653675 dated May 3, 2022, in the amount of \$164,860 (and having an expiration date of May 3, 2023) (the “LOC”) with a new LOC in the form required by the SPA **in the amount of not less than \$24,729** and having an expiration date not earlier than August 31, 2025 (“Replacement LOC”). The Developer shall file the Replacement LOC with the Town Engineer on or before July 3, 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 SPA and the *Mead Municipal Code*.

2. At the time of Conditional Acceptance of the Public Improvements identified in the SPA and associated with the Agfinity Station Development, the Car Wash portion of the site/site plan is not complete. Any of the Public Improvements conditionally accepted by this Resolution that become damaged or destroyed during construction of the Car Wash (once Developer has elected to move forward with completion of the Car Wash) shall be repaired or restored to substantively new condition, as determined by the Town Engineer and at the sole expense of the Developer or the Developer’s successor(s)/assign(s), prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for the Car Wash building.