

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 65-R-2023**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, APPROVING A SANITARY
SEWER AND STORMWATER IMPROVEMENTS EASEMENT AGREEMENT
ESTABLISHING TERMS AND CONDITIONS ASSOCIATED WITH THE GRANT OF AN
EASEMENT ENCUMBERING TOWN PROPERTY LOCATED AT 242 MAIN STREET**

WHEREAS, the Town of Mead (“Town”) is authorized pursuant to C.R.S. § 31-15-101(1) to acquire, hold, lease and dispose of property, both real and personal, and to exercise such other incidental and implied powers as may be necessary to carry out the proper management of Town property; and

WHEREAS, the Town owns certain real property commonly known as 242 Main Street (“Town Property”); and

WHEREAS, Welcome to Realty, LLC 401k PSP and Reliable Lending Services, LLC (together, “Owner”) have requested an easement across a portion of the Town Property to permit the construction and continued operation, maintenance, inspection, repair, alteration and replacement of certain sanitary sewer and stormwater improvements (the “Improvements”) for the benefit of Owner’s adjacent property located at 234 Main Street and commonly known as the Mead Towne Center project (“Benefitted Property”); and

WHEREAS, the portion of the Town Property that is proposed to be encumbered by the easement is described with specificity in **Exhibit A** of that certain Sanitary Sewer and Stormwater Improvements Easement Agreement between the Town and Owner (“Easement Agreement”), a copy of which is attached hereto as **Exhibit 1** and incorporated herein by this reference; and

WHEREAS, the Easement Agreement requires the Owner to complete the installation and placement of the Improvements in accordance with the construction plans reviewed and approved by the Town (the “Approved Plans”); and

WHEREAS, the Board of Trustees desires to approve the Easement Agreement and grant a perpetual, non-exclusive easement to the Owner for the purpose of installing and maintaining the Improvements, subject to the terms and conditions of the Easement Agreement; and

WHEREAS, the Board of Trustees further desires to authorize the Town Manager to execute the Easement Agreement on behalf of the Town when in final form.

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

Section 1. The Board of Trustees hereby: (a) approves the Easement Agreement in substantially the same form attached to this Resolution as **Exhibit 1**; (b) authorizes the Town Attorney, in cooperation with the Mayor and Town Manager, to make non-material changes to the Easement Agreement that do not increase the Town’s obligations; (c) authorizes the Town Manager to execute the Easement Agreement on behalf of the Town when in final form and following the date on which the Owner has remitted the thirty thousand dollar (\$30,000.00) payment to the Town; and (d) authorizes the Town Manager or designee to remit the Timely Completion Incentive (as that term is defined in the Easement Agreement) to Owner if Owner completes the installation and placement of the Improvements in accordance with the Approved Plans no later than June 1, 2024.

Section 2. Following execution of the Easement Agreement by the Town Manager, the Town Clerk shall record the fully executed Easement Agreement in the real property records of Weld County, Colorado.

Section 3. 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 4. Effective Date. This Resolution shall become effective immediately upon adoption.

Section 5. 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 25TH DAY OF SEPTEMBER, 2023.

ATTEST:

TOWN OF MEAD:

By: 
Mary E. Strutt, MMC, Town Clerk



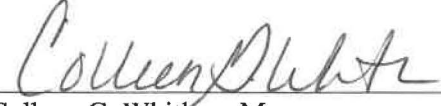
By: 
Colleen G. Whitlow, Mayor

Exhibit 1
Sanitary Sewer and Stormwater Improvements Easement Agreement

[see attached document]