

**TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2021-38**

APPROVING THE FINAL SUBDIVISION PLAT FOR UNCLE BENNY'S MARKETPLACE RE-SUBDIVISION, LOCATED IN NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH P.M., TOWN OF JOHNSTOWN, COUNTY OF LARIMER, STATE OF COLORADO, CONSISTING OF APPROXIMATELY 18.450 ACRES.

WHEREAS, the Town of Johnstown, Colorado ("Town") is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town's Home Rule Charter; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, Johnson-Taylor Family Properties, LLLP, a Colorado limited liability limited partnership ("Applicant"), submitted an application to the Town for approval of a Final Subdivision Plat for Uncle Benny's Marketplace Re-Subdivision, located in the Northwest Quarter of Section 35, Township 5 North, Range 68 West of the 6th P.M., Town of Johnstown, County of Larimer, State of Colorado, consisting of approximately 18.450 acres; and

WHEREAS, on September 29, 2021, the Planning and Zoning Commission held a public hearing and recommended approval of the Final Subdivision Plat for Uncle Benny's Marketplace Re-Subdivision, with conditions; and

WHEREAS, on October 18, 2021, the Town Council held a public hearing concerning approval of the Final Subdivision Plat for Uncle Benny's Marketplace Re-Subdivision, and, after considering the Planning and Zoning Commission's recommendation, reviewing the file and conducting such hearing, found that the Final Subdivision Plat for Uncle Benny's Marketplace Re-Subdivision, satisfy the data requirements, design standards and required improvements contained in the Johnstown Municipal Code, including the regulations contained in Chapters 16 and 17; and

WHEREAS, based on the foregoing, Town Council desires to approve the Final Subdivision Plat for Uncle Benny's Marketplace Re-Subdivision, with conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:

Section 1. Final Subdivision Plat Approval: The Final Subdivision Plat for Uncle Benny's Marketplace Re-Subdivision, located in the Northwest Quarter of Section 35, Township 5 North, Range 68 West of the 6th P.M., Town of Johnstown, County of Larimer, State of Colorado, consisting of approximately 18.450 acres, attached as Exhibit A, is hereby approved, subject to the conditions set forth in Section 2.

Section 2. Conditions of Approval: The Final Subdivision Plat for Uncle Benny's Marketplace Re-Subdivision is approved subject to the following conditions, which conditions shall bind the Applicant and any subsequent owner or developer of the Property:

1. Prior to construction of any public or private improvements, Town approval of all required plans, reports and permits shall be obtained;
2. The Town and the Applicant shall execute a Subdivision Development and Improvement Agreement prior to recordation of the Final Subdivision Plat;
3. At the discretion of Town staff, each developer of any portion of the Property shall be obligated to execute an amendment to the Subdivision Development and Improvement Agreement with the Town describing, among other matters, the public and private improvements and the obligations associated therewith with respect to such portion of the Property; and
4. Each developer of any portion of the Property shall execute a Water and Sewer Service Agreement with the Town related to such portion of the Property.

Section 3. Recording: The Town Clerk is hereby directed to obtain the appropriate signatures for the Final Subdivision Plat for Uncle Benny's Marketplace Re-Subdivision, and, once the applicable conditions of approval are met, record the Final Subdivision Plat as provided herein at the Office of the Larimer County Clerk and Recorder.

PASSED, SIGNED, APPROVED, AND ADOPTED THIS ____ day of October, 2021.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor