

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 58-R-2024**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, GRANTING FINAL
ACCEPTANCE OF CERTAIN PUBLIC IMPROVEMENTS ASSOCIATED WITH
THE ZIGGI'S COFFEE SITE PLAN**

WHEREAS, 4th & Main Holdings LLC, a Colorado limited liability company with offices at 241 Welker Ave., Mead, CO 80542 (“Developer”) has caused the completion of certain public improvements benefitting the Ziggi’s Coffee Site Plan (“Development”), specifically installation of concrete curb and gutter, sidewalks, asphalt paving, landscaping, and storm drainage facilities (collectively, the “Improvements”); and

WHEREAS, the Improvements are identified in that certain Site Plan Agreement dated April 26, 2020, and recorded on March 1, 2022, at Reception No. 4806627 in the Weld County property records (the “SPA”); and

WHEREAS, the Improvements associated with the Development were conditionally accepted by the Town of Mead by Resolution No. 36-R-2022 dated May 9, 2022; and

WHEREAS, the two-year warranty period for the Improvements has been completed and Developer has requested final acceptance of the Improvements; and

WHEREAS, a portion of sidewalk was not completed in accordance with the requirements of the *Town of Mead Design Standards and Construction Specifications* (the “Standards and Specifications”); and

WHEREAS, FCI Constructors, Inc. (“Contractor”) has issued an extended 5-year warranty, beginning on November 10, 2021, for that portion of sidewalk specified in Contractor’s letter attached to Exhibit A of this resolution (“Sidewalk Improvements”); and

WHEREAS, the Town Engineer has reviewed the Improvements, and, with the exception of the Sidewalk Improvements, has found that: (1) the Improvements were completed in compliance with the requirements of the Standards and Specifications, with no punchlist items; and (2) are in good repair following the completion of the two-year warranty period, as set forth and confirmed in the proposed notice of final acceptance, attached to this resolution as **Exhibit A** and incorporated by reference; and

WHEREAS, the Town Engineer therefore recommends final acceptance of the Improvements (not including the Sidewalk Improvements), effective July 30, 2024; and

WHEREAS, Section 202.9 of the Standards and Specifications states that “[i]f the public improvements completed by the developer are satisfactory, the Town shall grant final acceptance by a resolution of the Board of Trustees”; and

WHEREAS, the Board of Trustees desires to grant final acceptance of the Improvements, not including the Sidewalk Improvements, as more specifically set forth in this Resolution.

NOW THEREFORE, BE IT RESOLVED by the Town of Mead, Weld County, Colorado, that:

Section 1. Final Acceptance of Public Improvements. The Board of Trustees, on behalf of the Town of Mead, hereby grants final acceptance of the Improvements, with the exception of the Sidewalk Improvements. The Town hereby discharges the Developer from further maintenance responsibilities associated with all Improvements except for the Sidewalk Improvements, effective July 30, 2024. Town staff is hereby authorized to finalize and send a notice of final acceptance to Developer, in substantially the form attached to this Resolution as **Exhibit A**.

Section 2. Release of Security. The Board of Trustees hereby authorizes the release of any warranty security guaranteeing the Improvements through the two-year warranty period, including Irrevocable Letter of Credit No. 44222117 issued by High Plains Bank on May 21, 2022.

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 on July 30, 2024.

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 29TH DAY OF JULY, 2024.

ATTEST:

TOWN OF MEAD:

By: _____
Mary E. Strutt, MMC, Town Clerk

By: _____
Colleen G. Whitlow, Mayor

Exhibit A

Notice of Final Acceptance of Public Infrastructure Improvements (draft)

(with attachments)