

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 74-R-2023**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, APPROVING
PUBLIC ROAD CROSSING LICENSE AGREEMENTS WITH GREAT
WESTERN RAILWAY OF COLORADO, L.L.C. FOR THE 3RD STREET AND
WELKER AVENUE PROJECT**

WHEREAS, the Town is in the process of completing the 3rd Street and Welker Avenue Intersection Improvements Project (the “Project”); and

WHEREAS, portions of the Project will be required to cross existing railroad tracks owned and operated by Great Western Railway of Colorado, L.L.C., a Colorado limited liability company (“Great Western”); and

WHEREAS, the Board of Trustees desires to approve certain Public Road Crossing License Agreements with Great Western, in substantially the form attached to this Resolution as **Exhibit 1** (Agreement No. 410015, for crossing at +/- mile post no. 8.54) and **Exhibit 2** (Agreement No. 410016, for crossing at +/- mile post no. 8.36) (each a “Crossing Agreement” and together, the “Crossing Agreements”) in order to secure a license to permit Project-related improvements to be installed over and across the railroad tracks; and

WHEREAS, the one-time licensee fee set forth in each Crossing Agreement is forty-five thousand dollars (\$45,000.00), for a total of ninety thousand dollars (\$90,000.00) for both Crossing Agreements (the “License Fees”); and

WHEREAS, the Board of Trustees desires to approve the Crossing Agreements and authorize payment of the License Fees to Great Western.

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

Section 1. The aforementioned recitals are hereby fully incorporated herein and adopted as findings and determinations by the Board of Trustees.

Section 2. Crossing Agreements Approved. The Board of Trustees hereby: (a) approves the Crossing Agreements in substantially the same form as is attached hereto as **Exhibit 1** and **Exhibit 2**; (b) authorizes the Town Attorney in cooperation with the Town Manager to make non-material changes to the Crossing Agreements that do not increase the Town’s obligations or liability; and (c) authorizes the Mayor and Town Clerk to execute the Crossing Agreements on behalf of the Town once in final form.

Section 3. Payment of License Fees Authorized. The Town shall be authorized to remit the License Fees to Great Western on or after the date on which the Crossing Agreements have been finalized and executed in accordance with Section 2 of this Resolution.

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

Section 5. Repealer. All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

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 27TH DAY OF NOVEMBER, 2023.

ATTEST:

TOWN OF MEAD

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

By: _____
Colleen G. Whitlow, Mayor