

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 65-R-2024**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO,
CONSENTING TO THAT CERTAIN ASSIGNMENT AND ASSUMPTION OF
SUBDIVISION IMPROVEMENT AGREEMENT (MEAD PLACE,
AMENDMENT NO. 1)**

WHEREAS, Equinox Mead LLC, a Colorado limited liability company (“Assignor”) is the current record owner of certain property included within the boundaries Mead Place, Amendment No. 1 final plat (the “Subject Property”); and

WHEREAS, the Town of Mead (the “Town”) and Assignor are parties to that certain Subdivision Improvement Agreement for the Subject Property dated October 23, 2023 and recorded in the official records of Weld County, Colorado on October 25, 2023 at Reception No. 4927623 (the “SIA”); and

WHEREAS, Assignor desires to assign all of Assignor’s rights, duties, obligations, liabilities, responsibilities, and benefits as established in the SIA to a related entity, specifically Equinox Development LLC, a Colorado limited liability company (“Assignee”); and

WHEREAS, Section XVI.B. of the SIA provides that the SIA may not be assigned or delegated by the Assignor without the written consent of the Town, and that any proposed assignment shall not be effective unless approved by resolution of the Board of Trustees (the “Board”); and

WHEREAS, Assignor and Assignee have executed that certain Assignment and Assumption of Subdivision Improvement Agreement (the “Assignment”), a copy of which is on file with the Town Clerk, and have requested that the Town consent to the Assignment; and

WHEREAS, the Board desires to:

- (a) approve the Assignment;
- (b) authorize the Town Attorney in cooperation with the Town Manager to make non-material changes to the Assignment that do not increase the Town’s obligations;
- (c) authorize the Town Manager to execute the acknowledgment signature block set forth in the Assignment on behalf of the Town; and
- (d) authorize the Town Manager or designee to deliver a copy of the Town’s executed original acknowledgement signature page to Land Title Guarantee Company, Cherry Creek branch (attn: Charles Ottinger), file number 25211013.

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

Section 1. The foregoing recitals and findings are incorporated herein as findings and conclusions of the Board of Trustees.

Section 2. The Board of Trustees hereby: (a) approves the Assignment of the SIA in substantially the same form as is on file with the Town Clerk; (b) authorizes the Town Attorney in cooperation with the Town Manager to make non-material changes to the Assignment that do not increase the Town's obligations; (c) authorizes the Town Manager to execute the acknowledgment signature block set forth in the Assignment on behalf of the Town; and (d) authorizes the Town Manager or designee to deliver a copy of the Town's executed original acknowledgement signature page to Land Title Guarantee Company (LTGC), Cherry Creek branch (attn: Charles Ottinger), file number 25211013.

Section 3. The Board of Trustees also authorizes LTGC to record the fully executed Assignment in the Weld County real property records. If the recording of the Assignment has not occurred prior to Tuesday, December 31, 2024, this Resolution shall automatically terminate and the Town consent to assignment of the SIA evidenced by this Resolution shall be of no further force or effective.

Section 4. Effective Date. This resolution shall be 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 26TH DAY OF AUGUST, 2024.

ATTEST:

TOWN OF MEAD:

By: _____
Marisol Herman, Deputy Town Clerk

By: _____
Colleen G. Whitlow, Mayor