

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 68-R-2023**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, GRANTING FINAL
ACCEPTANCE OF THE PHASE 1 THROUGH PHASE 5
PUBLIC IMPROVEMENTS
(SORRENTO SUBDIVISION FINAL PLAT)**

WHEREAS, Encore Energy Investments LLC, Lorson South Land Corp., Babcock Exchange, LLC, and Babcock Land Corp. (collectively, “Developer”), has caused the completion of certain public improvements associated with the Sorrento Subdivision Final Plat (“Development”), specifically the public improvements associated with Phase 1 through Phase 5 of the Development, including the 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 Subdivision Improvement Agreement dated October 29, 2018 and recorded on December 3, 2018 at Reception No. 4450516 in the Weld County property records (assigned pursuant to that certain Assignment and Assumption of Subdivision Improvements Agreement dated December 12, 2018 and recorded on December 14, 2018 at Reception No. 4453787 in the Weld County property records) and that certain First Amendment to Subdivision Improvement Agreement dated March 21, 2020 and recorded on April 27, 2020 at Reception No. 4585671 in the Weld County property records (together, the “SIA”); and

WHEREAS, the Improvements associated with the Development were conditionally accepted by the Town of Mead by Resolution No. 95-R-2020 dated December 14, 2020; and

WHEREAS, the two-year warranty period for the Improvements has been completed and the Town Engineer has found the Improvements to be satisfactorily completed, with no remaining punchlist items, and recommends final acceptance of the Improvements to be approved effective October 31, 2023; and

WHEREAS, Developer has requested approval and final acceptance of the Improvements; and

WHEREAS, the Town Engineer has reviewed the Improvements, has found the same to be in compliance with the requirements of the *Town of Mead Design Standards and Construction Specifications* (the “Standards and Specifications”), and has found the same to be in good repair following the completion of the two-year warranty period, as set forth and confirmed in the proposed letter from the Town to Developer dated October 31, 2023, a copy of which is attached to this resolution as **Exhibit A** and incorporated by reference; 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 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 identified in this Resolution. The Town hereby discharges the Developer from further maintenance responsibilities associated with the Improvements, effective October 31, 2023. Town Staff shall be authorized to finalize and send the October 31, 2023 letter 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.

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 immediately upon adoption.

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 30TH DAY OF OCTOBER, 2023.

ATTEST:

TOWN OF MEAD:

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

By: _____
Colleen G. Whitlow, Mayor

Exhibit A

Letter from the Town to Developer, dated October 31, 2023

(with attachments)