

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 87-R-2024**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO,
APPROVING THE FIRST AMENDMENT TO SUBDIVISION
IMPROVEMENT AGREEMENT FOR MEAD PLACE, AMENDMENT NO. 1**

WHEREAS, the Town of Mead, Colorado and EQUINOX MEAD LLC, a Colorado limited liability company (“Equinox Mead”) entered into that certain Subdivision Improvement Agreement for Mead Place, Amendment No. 1 dated October 23, 2023 and recorded in the official records of Weld County, Colorado (“County Records”), on October 25, 2023 at Reception No. 4927623 regarding certain public and private improvements to be made in and proximate to the Mead Place, Amendment No. 1 subdivision (the “Agreement”); and

WHEREAS, Equinox Mead assigned the Agreement to EQUINOX DEVELOPMENT LLC, a Colorado limited liability company (“Developer”) by that certain Assignment and Assumption of Subdivision Improvement Agreement dated September 3, 2024, a copy of which was recorded on November 12, 2024 at Reception No. 4993960 in the County Records (the “Assignment”); and

WHEREAS, the Board of Trustees memorialized its consent to the Assignment by Resolution No. 65-R-2024 dated August 26, 2024; and

WHEREAS, the Mead Place Metropolitan District Nos. 1 – 12 (“Districts”) have also acknowledged and agreed to the Assignment as evidenced by the executed signature page of the Districts incorporated in the Assignment; and

WHEREAS, Developer desires to construct the Improvements, as defined in the Agreement, pursuant to phasing plan, as contemplated in Section I.C. of the Agreement; and

WHEREAS, the current Phasing Plan is incorporated in the Agreement as Exhibit D; and

WHEREAS, the Developer has requested an amendment to the Phasing Plan; and

WHEREAS, Section I.C. of the Agreement states that the Town shall not approve a Phasing Plan amendment unless it is first reviewed and approved in writing by the Town Engineer and Town Manager; and

WHEREAS, Section I.C. of the Agreement further states that if approved by the Town Engineer and Town Manager, a written amendment to the Agreement shall be prepared and presented to the Board of Trustees for approval; and

WHEREAS, the proposed updated phasing plan (“Phasing Plan”) and related amendments to the Agreement are set forth in that certain First Amendment to the Agreement (“First Amendment”), a copy of which is attached to this Resolution as **Exhibit 1** and is incorporated herein by reference; and

WHEREAS, the Town Engineer and Town Manager have reviewed and approved the proposed adjustment to the Phasing Plan, as set forth and included in the First Amendment; and

WHEREAS, the Board of Trustees of the Town of Mead, Colorado (“Town”) desires to approve the First Amendment and further desires to delegate all necessary authority to the Town Manager to execute the First Amendment on behalf of the Town,

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 First Amendment in substantially the same form as attached hereto as **Exhibit 1**; (b) authorizes the Town Attorney in cooperation with the Town Manager to make non-material changes to the First Amendment that do not increase the Town's obligations; (c) authorizes the Town Manager to execute the First Amendment on behalf of the Town when in final form; and (d) authorizes the Town Manager or designee to deliver a copy of the Town's executed original signature page on the First Amendment 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 First Amendment in the County Records. If the recording of the First Amendment has not occurred prior to Tuesday, December 31, 2024, this Resolution shall automatically terminate and the Board's approval of the First Amendment, as set forth in this Resolution, shall also automatically terminate and be of no further force or effect.

Section 4. Effective Date. This resolution shall be 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 25TH DAY OF NOVEMBER, 2024.

ATTEST:

TOWN OF MEAD:

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

By: _____
Colleen G. Whitlow, Mayor

Attachment:

Exhibit 1 - First Amendment to Subdivision Improvement Agreement for Mead Place,
Amendment No. 1