



Agenda Item Summary

MEETING DATE: December 11, 2023

SUBJECT: **Resolution No. 76-R-2023** – A Resolution of the Town of Mead, Colorado, Granting Conditional Acceptance of the Remaining Phase 1 Public Improvements for Postle Subdivision, Filing No. 1, Lot 2 (Project Frogger), specifically the On-Site Public Improvements and Phase 1 Off-Site ROW Landscaping Improvements

PRESENTED BY: Robyn Brown, Deputy Town Engineer

SUMMARY

Mr. Nate Weigel, Project Manager for BROE Real Estate Group representing Mead Industrial Development, LLC, a Colorado limited liability company, and Mead Investors 1, LLC, a Colorado limited liability company (together referred to herein as “Developer”) has requested Conditional Acceptance of certain remaining on-site and off-site public improvements for Phase 1 (Project Frogger), including:

- Phase 1 off-site right-of-way (ROW) landscaping improvements, and
- Phase 1 on-site improvements

(together, the “Remaining Phase 1 Improvements”).

Resolution No. 76-R-2023 (the “Resolution”) memorializes the Board’s conditional acceptance of the Remaining Phase 1 Improvements.

ADDITIONAL BACKGROUND

All Phase 1 Improvements are identified in that certain Subdivision Improvement Agreement dated February 14, 2022, and recorded on March 22, 2022, at Reception No. 4811738 in the Weld County property records (“County records”), as amended by that certain First Amendment to Subdivision Improvement Agreement dated October 10, 2022, and as re-recorded pursuant to that certain Correction to SIA recorded April 27, 2023 at Reception No. 4894960 of the County records (together, the “SIA”).

The Board of Trustees previously granted conditional acceptance of the Phase 1 Improvements, exclusive of the Remaining Phase 1 Improvements, by adoption of Town Resolution No. 18-R-2023 dated March 13, 2023.

The Town Engineer has reviewed the construction of the Remaining Phase 1 Improvements, has determined that the Remaining Phase 1 Improvements have been constructed and installed in substantial conformance with the Town’s construction standards, and is recommending that the Board grant conditional acceptance of the Remaining Phase 1 Improvements by adoption of the proposed Resolution.

The Resolution memorializes the Board’s Conditional Acceptance of the Remaining Phase 1 Improvements, effective on the dates set forth below:

- Phase 1 off-site ROW landscaping improvements (as specifically identified on page two of Exhibit B of the SIA) – Date of Conditional Acceptance of **July 12, 2023**; and
- On-site improvements identified in Exhibit J of the SIA – Date of Conditional Acceptance of **May 1, 2023**.

The Conditional Acceptance letter regarding the Remaining Phase 1 Improvements is attached to this *Agenda Item Summary* for the Board’s review and is incorporated by reference.

Exhibit 1 of the Resolution includes two additional conditions recommended by the Town Engineer in order to ensure that 15% collateral will be held by the Town through the applicable two-year warranty periods, as required by the *Mead Municipal Code* and the SIA.

During the applicable warranty periods, the Developer is required, at its own expense, to take all actions necessary to maintain the Remaining Phase 1 Improvements and make needed repairs or replacements that, in the reasonable opinion of the Town, become necessary. At the conclusion of the applicable two-year warranty period, Town staff will complete a final inspection to ensure all Remaining Phase 1 Improvements are in satisfactory condition prior to issuing Final Acceptance of the same.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this request.

STAFF RECOMMENDATION/ACTION REQUIRED

Staff recommends the Board of Trustees grant Conditional Acceptance of the Remaining Phase 1 Improvements by adoption of the proposed Resolution, with the two (2) year warranty period to start on the specific dates set forth in the Resolution.

A motion to approve the December 11, 2023, consent agenda will approve this item. If the resolution is removed from the consent agenda, the suggested motion is:

Suggested Motion:

“I move to adopt Resolution No. 76-R-2023, a Resolution of the Town of Mead, Granting Conditional Acceptance of the Remaining Phase 1 Public Improvements for Postle Subdivision, Filing No. 1, Lot 2 (Project Frogger), specifically the On-Site Public Improvements and Phase 1 Off-Site ROW Landscaping Improvements.”

ATTACHMENTS

Resolution No. 76-R-2023
Conditional Acceptance Letter – Postle Subdivision Phase 1 (Project Frogger) Remaining Public Improvements – From Town to Developer