



Agenda Item Summary

MEETING DATE: November 13, 2023

SUBJECT: **Resolution No. 69-R-2023** – A Resolution of the Town of Mead, Colorado, Granting Conditional Acceptance of the Public Improvements Associated with the Elevation 25 Filing No. 1 Final Plat (Phase 1 Only)

PRESENTED BY: Robyn Brown, Deputy Town Engineer

SUMMARY

Elevation 25 Industrial Owner, LLC, a Delaware limited liability company (“Developer”) has requested Conditional Acceptance of the public improvements constructed as part of Phase 1 of the Elevation 25 project (the “Phase 1 Improvements”), specifically the installation of concrete sidewalk, curb and gutter, asphalt paving, and storm sewer drainage facilities specifically identified in that certain Subdivision Improvement Agreement for Elevation 25 Filing No. 1 Final Plat dated March 17, 2022 and recorded on May 10, 2022 at Reception No. 4825841 in the real property records of Weld County, Colorado (the “SIA”).

Town staff completed punch list walkthroughs In September and October, 2023, with the Developer’s contractor and determined that all final punch list items are complete.

Staff recommends that the Board of Trustees proceed to grant Conditional Acceptance of the Phase 1 Improvements completed by Developer. Resolution No. 69-R-2023 (the “Resolution”) memorializes the Board’s Conditional Acceptance of the Public Improvements, effective as of November 13, 2023 (being the effective date of the Resolution). In accordance with Section 202.8.A.1.a of the *Town of Mead Design Standards and Construction Specifications*, the two-year warranty guaranty period shall not begin until May 1, 2024.

For a two-year period from the commencement date of the warranty guaranty period, the Developer is required, at its own expense, to take all actions necessary to maintain the Public Improvements and make needed repairs or replacements that, in the reasonable opinion of the Town, become necessary. If within thirty (30) days after the Developer’s receipt of written notice form the Town requesting replacement of, or repairs to, the Public Improvements, the Developer has not completed such repairs, the Town may exercise enforcement actions to secure performance, including enforcement of contractual rights and other actions set forth in Article VI of Chapter 16 of the MMC. The Resolution also requires the Developer to post a warranty letter of credit with the Town to secure the Developer’s obligation to make the necessary repairs or replacements.

Town staff will complete a final inspection prior to final acceptance of the Public Improvements at the conclusion of the two-year warranty period.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this request.

STAFF RECOMMENDATION/ACTION REQUIRED

Staff recommends the Board of Trustees approve the Resolution granting Conditional Acceptance of the Phase 1 Improvements for the Elevation 25 Development. A motion to approve the November 13, 2023, consent agenda will approve the Resolution. If this item is pulled off the consent agenda for questions or further discussion, Staff recommends the following motion:

Suggested Motion:

“I move to adopt Resolution No. 69-R-2023, a Resolution of the Town of Mead, Colorado, Granting Conditional Acceptance of the Public Improvements for Elevation 25 Filing No. 1 Final Plat (Phase 1 Only).”

ATTACHMENTS

Resolution No. 69-R-2023

Exhibit A to Resolution – Letter from the Town to Developer, dated November 14, 2023

Exhibit B to Resolution – Additional Conditions