



SENT VIA EMAIL to: Brad Cushard at bcushard@logisticspropco.com

November 14, 2023

Elevation 25 Industrial Owner, LLC
c/o Silver Point Development, LLC
ATTN: Mr. Brad Cushard, Manager
6500 S Quebec St Ste 300
Englewood, CO 80111

RE: Elevation 25 (Phase 1)
Conditional Acceptance Phase 1 Public Improvements

Dear Mr. Cushard,

This letter and the attached Resolution are to notify you that the public improvements in Filing 1, Lots 1 and 2, of the Elevation 25 development (the "Phase 1 Improvements") have been granted Conditional Acceptance by the Board of Trustees. In accordance with the Town of Mead *Design Standards and Construction Specifications*, Section 202.8.A.1.a¹, the two-year warranty guaranty period shall not begin until May 1, 2024.

In September and October 2023, Town of Mead Staff completed inspections of the Phase 1 Improvements. The purpose of these inspections was to confirm completion of construction of the Improvements, assess the condition of the Improvements installed, and generate a punchlist detailing deficiencies requiring completion. All punchlist items have been corrected and accepted.

During the two-year warranty period, the developer shall, at its own expense, take all actions necessary to maintain the Phase 1 Improvements and make needed repairs or replacements that, in the reasonable opinion of the Town, shall become necessary. With respect to the collateral reduction contemplated in Section X.A. of that certain Subdivision Improvement Agreement dated March 17, 2022 and recorded on May 10, 2022 at Reception No. 4825841 of the Weld County records ("SIA"), there are two options:

¹ For all projects where Conditional Acceptance is granted between the dates of November 1st and April 30th, the two (2) year warranty guarantee period shall not begin until May 1st.

OPTION 1

Developer shall replace Letter of Credit (LOC) No. 181245-340044, dated April 11, 2022, in the amount of \$2,257,953.00 (having an expiration date of April 11, 2024) (the “Existing Lots 1 and 2 LOC”) with **one new replacement LOC** in the form required by the SIA in the amount of **three hundred thirty-eight thousand six hundred ninety-two and 95/100 dollars (\$338,692.95)** (representing 15% of the face amount of the Existing Lots 1 and 2 LOC) and having an expiration date **not earlier than July 1, 2026** (the “Warranty LOC”). If Developer selects OPTION 1, the Developer shall proceed to have CIBC Bank USA file the Warranty LOC with the Town Engineer on or before December 1, 2023. Upon filing of the Warranty LOC, the Town Engineer or designee shall cause the Existing Lots 1 and 2 LOC to be released.

OPTION 2

At Developer’s request, the Town will send a letter to CIBC Bank USA requesting an amendment to the Existing Lots 1 and 2 LOC as follows:

- Reduce face amount of LOC No. 181245-340044 from \$2,257,953.00 to \$338,692.95, and
- Extend final expiration date from April 11, 2024 to July 1, 2026

(the “AMENDED LOC – Warranty Period”).

If Developer selects OPTION 2, the Developer shall proceed to have CIBC Bank USA process the requested amendments and file the AMENDED LOC – Warranty Period with the Town Engineer on or before December 1, 2023.

The Warranty LOC (or the AMENDED LOC – Warranty Period, if OPTION 2 is selected) shall be released in accordance with the terms of the SIA and the *Mead Municipal Code*.

No sooner than sixty (60) days, and at least thirty (30) days, before the end of the 2-year warranty period, and during the growing season (May 1 through October 31), the Developer shall request an inspection of the public improvements. Once the public improvements are judged by the Town to be in satisfactory condition, the Town shall grant Final Acceptance by resolution of the Board of Trustees.

Sincerely,

Robyn Brown, P.E.
Deputy Town Engineer

ATTACHMENT:

- Resolution No. 69-R-2023 dated November 13, 2023

