

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 1017**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, APPROVING WITH
CONDITIONS THE POSTLE SUBDIVISION FILING NO. 2 FINAL PLAT**

WHEREAS, the Town of Mead (“Town”) is authorized pursuant to Title 31, Article 23, C.R.S. and the Town of Mead Municipal Code (“MMC”) to regulate the subdivision of land, streets and utilities within the Town for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

WHEREAS, Mead Industrial Development, LLC, a Colorado limited liability company, and Mead Investors 2, LLC, a Colorado limited liability company (“Owners”) have submitted an application for the Postle Subdivision Filing No. 2 Final Plat (the “Final Plat”) for the 10.242-acre properties generally known as the Schulz Property and Lot 1, Block 1 of the Postle Subdivision Filing No. 1, generally located south of WCR 36, and east of the I-25 Frontage Road, in the Town of Mead, County of Weld, State of Colorado, as more particularly described in the Final Plat (the “Property”); and

WHEREAS, a copy of the Final Plat is attached to this Ordinance as **EXHIBIT 1** and is incorporated herein by reference; and

WHEREAS, Section 16-4-70 of the Mead Municipal Code (“MMC”) authorizes administrative staff review and approval of the Final Plat, subject to adoption by ordinance of the Board of Trustees; and

WHEREAS, the Planning Commission held a public hearing on September 21, 2022, regarding the Postle Subdivision Filing No. 2 Preliminary Plat (the “Preliminary Plat”) and, following the conclusion of the public hearing, recommended conditional approval of the Preliminary Plat to the Board of Trustees, subject to standard conditions, via Resolution No. 10-PC-2022; and

WHEREAS, the Final Plat generally conforms to the Preliminary Plat, which was reviewed and conditionally approved by the Board of Trustees by Resolution No. 76-R-2022, dated September 26, 2022; and

WHEREAS, the administrative record for this matter includes, but is not limited to, the Town of Mead Land Use Code, the Town of Mead Comprehensive Plan, all other applicable ordinances, resolutions and regulations, the staff files and reports of the Community Development Director and Town Engineer related to the Final Plat, any and all submittals by the Owners and members of the public, and the tape recordings and minutes of the Board of Trustees meeting at which the Final Plat was considered; and

WHEREAS, Town staff has determined that the Final Plat meets all applicable requirements of the MMC Land Use Code and that the review criteria set forth in Section 16-4-70(b)(8) of the MMC have been satisfied; and

WHEREAS, based on Town staff’s recommendation regarding the Final Plat and the administrative record for this matter, the Board of Trustees desires to approve the Final Plat, subject to

the conditions set forth below; and

WHEREAS, the Subdivision Improvement Agreement for the Postle Subdivision Filing No. 1 Final Plat covers necessary improvements for development of the Property, in accordance with the requirements of Section 16-4-130 of the MMC, and was approved by the Town Board of Trustees by Ordinance 985 dated February 14, 2022, and recorded with the Weld County Clerk and Recorder at Reception No. 4811738 on March 22, 2022 (“SIA”); and

WHEREAS, the Board of Trustees has determined that approval of the Final Plat will advance the public health, safety, convenience, and general welfare of the residents of the Town, subject to the conditions of approval as hereinafter set forth.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. The Final Plat designated as Postle Subdivision Filing No. 2 is hereby approved subject to the following conditions of approval:

- a. Prior to, and as a condition of recordation of the Final Plat, the Owners shall resolve/correct any and all minor technical issues as directed by Town Staff; and
- b. The Owners shall pay all fees and costs incurred by the Town and its consultants, including without limitation legal fees and costs, for review and processing of the Final Plat application within forty-five (45) days of receiving an invoice from the Town. If the fees and costs are not paid within forty-five (45) days of receiving an invoice, the Town may withhold issuance of building permits or further approvals until the invoices have been paid; and

Section 2. The SIA for the subdivision was previous approved by Ordinance 985 dated February 14, 2022 and is presently on file with the Town Clerk.

Section 3. Subject to review and approval of the Final Plat mylar by the Town Staff, and satisfaction of the conditions set forth in Section 1 above, the Mayor and other Town officials, as applicable, are hereby authorized to sign the Final Plat mylar.

Section 4. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 5. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

Section 6. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 7. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted ordinance available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED AND ADOPTED THIS 14th DAY OF NOVEMBER, 2022.

ATTEST:

TOWN OF MEAD:

Mary E. Strutt, MMC, Town Clerk

Colleen G. Whitlow, Mayor

EXHIBIT 1

Postle Subdivision Filing No. 2 Final Plat
(Attached on the next page)