

**RESOLUTION NO. 17-\_\_\_**

**A RESOLUTION BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO ACCEPTING DEDICATIONS AS SHOWN IN THE COLLIERS HILL FILING NO. 4A FINAL PLAT; AUTHORIZING THE APPROPRIATE TOWN OFFICIAL TO SIGN THE COLLIERS HILL FILING NO. 4A DEVELOPMENT AGREEMENT; ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO ACCEPTANCE OF THE DEDICATIONS AND DEVELOPMENT AGREEMENT; AND, SETTING FORTH DETAILS IN RELATION THERETO.**

**WHEREAS**, the Board of Trustees of the Town of Erie, Colorado, considered the acceptance of dedications and the Development Agreement on March 14, 2017, on the application of Daybreak Recovery Acquisition LLC, 7200 S. Alton Way, Suite C-400, Centennial, Colorado 80112, for the Colliers Hill Filing No. 4A Final Plat, Town of Erie, County of Boulder, State of Colorado; and,

**WHEREAS**, the Board of Trustees of the Town of Erie, Colorado, desires to accept the dedications from Daybreak Recovery Acquisition LLC; and,

**WHEREAS**, the Board of Trustees of the Town of Erie believes it is in the best interest of the Town and its citizens to accept the Colliers Hill Filing No. 4A Development Agreement and to accept financial guarantees for improvements to be constructed by the Owner.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, AS FOLLOWS:**

Section 1. The Board of Trustees of the Town of Erie hereby accepts the dedications as set forth in the Colliers Hill Filing No. 4A Final Plat contingent upon the following conditions:

1. Prior to recordation of the final plat, the applicant shall provide the Town a copy of the recorded Memorandum of Surface Use Agreement and a copy of the executed Surface Use Agreement with Anadarko referenced in the recorded Memorandum. The executed Surface Use Agreement shall provide for uses and layout as shown in the approved final plat and in conformance with the Town's Unified Development Code.
2. Prior to recordation of the final plat, the applicant shall provide the Town a copy of the recorded vacation for the portion of a drainage easement encumbering Block 10, Lots 3 through 6.
3. Prior to recordation of the final plat, the Deed for certain Weld County Road 3 right-of-way shall be completed and recorded.

4. Prior to recordation of the final plat, the Grant of Permanent Access and Utilities Easement Agreement with Upland Industries Corporation shall be executed and recorded.
5. Prior to recordation of the final plat, the Grant of Permanent Access and Utilities Easement Agreement with the Owners of the Morgan Hill property shall be executed and recorded.
6. Prior to recordation of the final plat, the Grant of Permanent Access and Utilities Easement Agreement with Michael W. Schmidt shall be executed and recorded.
7. Prior to recordation of the final plat, the Grant of Permanent Access and Utilities Easement Agreement with the Owners of the Andalusia property shall be executed and recorded.
8. Prior to recordation of the final plat, the Town shall review and accept the final form of the License Agreement between the developer and the Erie Coal Creek Ditch & Reservoir Company, and the applicant shall provide the Town a copy of the executed and recorded License Agreement.
9. Prior to recordation of the final plat, the Town shall review and accept the final form of the License Agreement between the developer and The New Consolidated Lower Boulder Reservoir and Ditch Company and the Northern Colorado Water Conservancy District, and the applicant shall provide the Town a copy of the executed and recorded License Agreement.
10. Prior to recordation of the final plat, the Town shall review and accept the final form of the License Agreement between the developer and the Boulder and Weld County Ditch Company, and the applicant shall provide the Town a copy of the executed and recorded License Agreement.
11. Prior to recordation of the final plat, the License Agreement between the Regional Transportation District and the Town of Erie shall be executed and recorded.
12. Prior to recordation of the final plat, the Town shall review and accept the final form of the Encroachment License Agreement between the developer and the Public Service Company, and the applicant shall provide the Town a copy of the executed and recorded Encroachment License Agreement.
13. Prior to recordation of the final plat, the Town shall review and accept the final form of the License Agreement between the developer and the

Anadarko easement holder, and the applicant shall provide the Town a copy of the executed and recorded License Agreement.

14. Prior to recordation of the final plat, technical corrections to the final plat and corrections to the associated construction plans addressing the Town's comments shall be made to the Town's satisfaction.

Section 2. The Board of Trustees of the Town of Erie hereby approves the Colliers Hill No. 4A Development Agreement for the Colliers Hill Filing No. 4A Final Plat, and authorizes the appropriate Town Official to sign and bind the Town to the Development Agreement.

**INTRODUCED, READ, SIGNED AND APPROVED this 14<sup>th</sup> day of March 2017.**

**TOWN OF ERIE,**  
a Colorado municipal corporation

By: \_\_\_\_\_  
Tina Harris, Mayor

ATTEST:

By: \_\_\_\_\_  
Nancy J. Parker, CMC, Town Clerk