

RESOLUTION NO. 18-____

A RESOLUTION BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO ACCEPTING DEDICATIONS AS SHOWN IN THE MORGAN HILL FILING NO. 1 FINAL PLAT; AUTHORIZING THE APPROPRIATE TOWN OFFICIAL TO SIGN THE MORGAN HILL FILING NO. 1 DEVELOPMENT AGREEMENT, FIRST AMENDMENT TO MORGAN HILL FIRST AMENDED AND RESTATED ANNEXATION AGREEMENT, TWO GRANTS OF PERMANENT ACCESS AND UTILITIES EASEMENTS AND AVIGATION EASEMENT; ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE ACCEPTANCE OF THE MORGAN HILL FILING NO. 1 FINAL PLAT DEDICATIONS AND DEVELOPMENT AGREEMENT, FIRST AMENDMENT TO MORGAN HILL FIRST AMENDED AND RESTATED ANNEXATION AGREEMENT, GRANTS OF PERMANENT ACCESS AND UTILITIES EASEMENTS AND AVIGATION EASEMENT, AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, The Planning and Development Director has conditionally approved the Morgan Hill Filing No. 1 Final Plat, contingent upon the acceptance of the dedications on the Final Plat; acceptance of the Development Agreement by the Board of Trustees; and, the following conditions:

1. Prior to Recordation of the Morgan Hill Filing No. 1 Final Plat
 - a. Morgan Hill Zoning Amendment No. 1 shall be recorded;
 - b. Morgan Hill PUD Overlay shall be recorded;
 - c. Morgan Hill PUD Overlay Amendment No. 1 shall be recorded;
 - d. Access sufficient for long term maintenance of public facilities shall be established and a recorded copy of the fully executed agreements shall be submitted;
 - e. The slope easements along County Road 10.5 shall be vacated and evidence of this vacation shall be submitted;
 - f. A recorded copy of the fully executed Consent Agreement with Lower Boulder Ditch Company shall be submitted;
 - g. A recorded copy of the fully executed License Agreement for Discharge and Historic Seepage with the Boulder and Weld County Ditch Company shall be submitted;
 - h. A recorded copy of the fully executed RTD License Agreement for the waterline shall be submitted; and
 - i. A recorded copy of the fully executed agreement between the Erie Coal Creek Ditch and Reservoir Company and Morgan Hill Investors, LLC shall be submitted;
 - j. Documentation related to the plugged and abandoned wells per Article 10.6.14 shall be provided;
 - k. Technical corrections to the plat shall be made to the Town's satisfaction.

WHEREAS, the Board of Trustees of the Town of Erie, Colorado, considered the acceptance of the Morgan Hill Filing No. 1 Final Plat dedications, the development agreement, and other agreements on June 12, 2018, on the application of Morgan Hill Investors, LLC, 2500 Arapahoe Road, Suite 220 Boulder, Colorado, 80302, for the Morgan Hill Filing No. 1 Final Plat; and,

WHEREAS, the Board of Trustees of the Town of Erie, Colorado, desires to accept the dedications from Morgan Hill Investors; 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 Morgan Hill Filing No. 1 Development Agreement and to accept financial guarantees for improvements to be constructed by the Owner; 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 First Amendment To Morgan Hill First Amended And Restated Annexation Agreement; 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 Grants Of Permanent Access And Utilities Easements And Avigation Easement.

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 Morgan Hill Filing No. 1 Final Plat.

Section 2. The Board of Trustees of the Town of Erie hereby approves the Morgan Hill Filing No. 1 Development Agreement for the Morgan Hill Filing No. 1 Final Plat and the First Amendment To Morgan Hill First Amended And Restated Annexation Agreement, and authorizes the appropriate Town Official to sign and bind the Town to the Development Agreement and the First Amendment To Morgan Hill First Amended And Restated Annexation Agreement.

Section 3. The Board of Trustees of the Town of Erie hereby accepts the two separate Grant of Permanent Access and Utilities Easement Agreements and the Avigation Easement and authorizes the appropriate Town Official to sign these documents.

Section 4. That accepting the Grant of Permanent Access and Utilities Easement Agreements and Avigation Easement is found to be in the best interest of the Town of Erie, and necessary for the preservation of public health and safety.

INTRODUCED, READ, SIGNED AND APPROVED this 12th day of June 2018.

TOWN OF ERIE, a Colorado municipal
corporation

By: _____
Jennifer Carroll, Mayor

ATTEST:

By: _____
Jessica Koenig, Deputy Town Clerk