

**TOWN OF SILT
RESOLUTION NO. 10
SERIES OF 2019**

**A RESOLUTION OF THE TOWN OF SILT, COLORADO ("TOWN") APPROVING THE
PARTIAL ACCEPTANCE OF IMPROVEMENTS FOR STONEY RIDGE PLANNED
UNIT DEVELOPMENT, PHASE III (ACTUAL CONSTRUCTED PHASE II), TOWN OF
SILT, GARFIELD COUNTY, STATE OF COLORADO**

WHEREAS, Stoney Ridge K & M, LLC, is the owner ("Owner") of property known as Stoney Ridge Planned Unit Development Phase III ("Subject Property"); and

WHEREAS, on or about 20th day of April, 2003, the Silt Board of Trustees ("Board") approved Resolution 27, Series of 2003, a resolution approving a final plan and final plat for the Stoney Ridge Planned Unit Development, which the Town subsequently recorded in the office of the Garfield County Clerk and Recorder on June 4, 2003 as Reception Number 628670; and

WHEREAS, on or about the 28th day of April 2003, the Board entered into a Subdivision Improvements and Development Agreement (the "Original SIDA") for the Stoney Ridge Planned Unit Development (the "Subdivision") with the Owner establishing the terms and conditions for development of infrastructure to serve the Subdivision, which the Town subsequently recorded in the office of the Garfield County Clerk and Recorder on June 4, 2003 as Reception No. 628671; and

WHEREAS, on or about the 14th day of March, 2018, the Board entered into a Subdivision Improvements and Development Agreement for the Subdivision's Phases II and III ("Phases II & III SIDA"), which the Town subsequently recorded in the Office of the Garfield County Clerk and Recorder on March 15, 2018 as Reception Number 904325; and

WHEREAS, Section 4.01 of the Phases II & III SIDA provides that Owner may request and the Board may approve the release of infrastructure security as is appropriate upon completion of a portion or all of the approved Improvements and submittal by the Owner of a Certificate of Completion signed and stamped by a professional engineer licensed in the state of Colorado ("Owner's Engineer"), certifying that a portion or all of the Improvements have been constructed in accordance with the Phases II & III SIDA; and

WHEREAS, on or about December 9, 2018, the Owner's initial infrastructure security on the Subject Property expired, although the Owner had not completed all of the infrastructure improvements; and

WHEREAS, on or about January 9, 2019, the Owner submitted a qualified Certificate of Completion signed and stamped by the Owner's Engineer, Marcin

Engineering, certifying that a portion of the Improvements have been constructed in accordance with the Phases II & III SIDA; and

WHEREAS, on or about February 19, 2019, the Owner submitted to the Town an infrastructure security bond in the amount of \$140,000, to cover the remaining items that Owner must still construct; and

WHEREAS, in accordance with the Phases II & III SIDA, the Board of Trustees wishes to accept a portion of the Stoney Ridge Planned Unit Development Phase III Infrastructure Improvements as provided herein.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILT THAT:

1. The Board of Trustees incorporates the foregoing recitals as findings by the Town of Silt.
2. With the exception of the following improvements, the Town accepts the Phase III infrastructure construction:
 - a. 290' long, 4' wide concrete sidewalk replacements as described in various Town Engineer and Town Attorney memoranda to the Owner, to be completed by June 30, 2019;
 - b. Irrigation and Landscaping on Lot 112, to include sod in the base of the detention basin and the rest hydro-seeded by June 30, 2019; Owner shall submit to Town for its approval a professionally prepared irrigation plan for the improvements on Lot 112 on or before May 31, 2019;
 - c. Irrigation and Landscaping on the western park parcel, to include no fewer than five (5) trees measuring no less than 2.5" in diameter, as well as twenty-five (25) 5-gallon shrubs and two (2) benches similar in quality to the Town's downtown benches, to be completed by June 30, 2019; Owner shall submit to Town for its approval a professionally prepared irrigation plan for the improvements on the western park parcel on or before May 31, 2019;
 - d. Irrigation and Landscaping on the parking space bulb-out areas, to include no fewer than one (1) tree and five (5) shrubs each, to be completed by June 30, 2019; Owner shall submit to Town for its approval a professionally prepared irrigation plan for the improvements on the bulbouts on or before May 31, 2019;
 - e. Irrigation line pressure testing to the Town's satisfaction by April 15, 2019;

- f. Safety grate (trash rack) on the Silt Pump Canal pipeline of a design acceptable to the Town, the Bureau of Reclamation, and the Silt Water Conservancy District, to be completed by June 30, 2019;
- g. Delivery of a written survey instrument no later than May 31, 2019 that describes the permanent easement across Lot 112 for storm water drainage purposes, for review and approval by the Town, and subsequent dedication to the Homeowners' Association;
- h. Delivery of a written survey instrument no later than May 31, 2019 that describes a ten (10) foot wide permanent drainage easement on the west sides of Lots 113-119, and Lot 40, for review and approval by the Town, and subsequent recordation in the office of the Garfield County Clerk and Recorder; Owner will not sell or convey Lots 113-119 until such time as the drainage easement has been recorded.
- i. Completion of all other items remaining on the Boundaries Unlimited Inc. punch list memo dated 1/25/18. Water line and manhole testing shall occur in accordance with Town standards.

Acceptance of the remaining improvements by the Town shall be subject to review and acceptance as described in the Phases II & III SIDA by the Town Engineer and the Public Works Director and subject to applicable infrastructure security and warranties.

3. Acceptance of the Phase III Improvements (as modified by paragraph 2) triggers the commencement of Owner's Warranty Period pursuant to the terms of the Original SIA. For purposes of calculating the warranty period on those public improvements accepted herein, the Town's acceptance date of February 25, 2019 shall govern the start of the warranty period. Owner shall post and maintain security for its warranty obligations with the Town in compliance with the SIDA and the Town Code. Owner has posted a bond from American Southern Insurance Company in the Amount of \$140,000. This Bond shall constitute construction security for the Improvements described in paragraph 2 and shall constitute warranty security for the Improvements as provided for under the Town Code and the Phases II & III SIDA.


Introduced, read and passed by a vote of 4 to 2 this 25 day of February, 2019. The Mayor shall be authorized to sign, and this resolution shall be effective, only after Owner has posted security with the Town for the warranty obligations discussed in paragraph 3.

TOWN OF SILT, COLORADO



Mayor Keith B. Richel

ATTEST:


Sheila M. McIntyre, CMC
Town Clerk