

TOWN OF PIERCE, COLORADO

RESOLUTION NO. 2022-02

A RESOLUTION AUTHORIZING THE APPLICATION AND MATCH FUNDS COMMITMENT FOR THE STATE OF COLORADO – DEPARTMENT OF LOCAL AFFAIRS CYCLE 22-06: ENERGY/MINERAL IMPACT ASSISTANCE FUND GRANT

WHEREAS, the Town of Pierce (the “Town”) recognizes the importance of upgrading and maintaining streets and roads for community members’ travel; and

WHEREAS, the Board of Trustees of the Town (the “Board”), and the Town Engineer, believe that upgrades and improvements are necessary to Weld County Road (“WCR”) 90; and

WHEREAS, the Town Engineer’s opinion of probable costs for upgrades and improvements to WCR 90 is \$1,078,500.00; and

WHEREAS, in 2018, the Town entered into an Intergovernmental Agreement with Weld County, who will provide \$351,261.39 towards the project; and

WHEREAS, the Town, REP Processing, LLC and NWC Development, LLC, entered into a REP Pierce Annexation Agreement dated October 31, 2018, and recorded December 18, 2018, at Reception No. 4454282 in the Weld County Clerk and Recorder’s Office (the “Annexation Agreement”); and

WHEREAS, Exhibit F to the Annexation Agreement included a Proportional Share Agreement between REP Processing, LLC and the Town; and

WHEREAS, pursuant to the terms of the Proportional Share Agreement, REP Processing, LLC, is obligated to pay for a proportionate share of costs for repairs and improvements to WCR 90; and

WHEREAS, through State of Colorado – Department of Local Affairs (“DOLA”) Cycle 22-06: Energy/Mineral Impact Assistance Fund Grant, DOLA provides cost-shared financial assistance to municipalities to promote sustainable community development, increase livability, and resilience of communities through strategic investments in asset- building activities; and

WHEREAS, it has been determined this funding opportunity through the DOLA Cycle 22-06: Energy, Mineral Impact Assistance Fund Grant is appropriate for funding the Weld County Road (WCR) 90 project; and

WHEREAS, the Board has determined it is in the best interest of the Town to request up to \$ 363,619.31, from the DOLA Cycle 22-06: Energy/Mineral Impact Assistance Fund Grant program and will contribute the additional matching funds from Weld County, the Town and REP Processing, LLC, to be used toward the WCR 90 project.

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

Section 1: The Board hereby directs the Mayor, Town Clerk, Town Staff, Town Officers, and/or their designees (the “Town Representatives”), to sign and submit, for or on behalf of the Town, a grant application from the DOLA Cycle 22-06: Energy/Mineral Impact Assistance Fund Grant for up to the amount of \$ 363,619.31.

Section 2: The Town Representatives may provide assurances, certifications, commitments, final review, and support required for the grant application, including executing a financial assistance or similar agreement with DOLA within established deadlines and any amendments or changes thereto.

Section 3: The Town Representatives may represent the Town in carrying out the Town’s responsibilities under the grant agreement and in compliance with all applicable State and Federal laws.

Section 4: If a grant award is made by DOLA, the Town commits to providing up to \$ 200,000.00 in matching funds and/or in-kind donations as specified in the funding plan of the grant application.

Section 5: If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The Board of Trustees hereby declares that it would have passed this Resolution and each part of parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6: This Resolution shall take effect immediately upon passage.

PASSED, ADOPTED AND APPROVED this 14th day of February, 2022.

TOWN OF PIERCE

By: _____
Nansi Crom, Mayor

ATTEST:

By _____
Kristina Duran, Town Clerk