AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Release of Development Improvements Agreement for

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement: BOCC and West Elk Properties

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Attached please find the Release of Development Improvements Agreement for Fairway Lane - Tomichi Creek Subdivision.

Fiscal Impact: 0

Submitted by: Office of the County Attorney **Submitter's Email Address:** rmagruder@gunnisoncounty.org

Finance Review: (●) Required ( ) Not Required

Comments:
Project concluded, no pending fiscal impact.

Reviewed by: GUNCOUNTY1\lNienhueser Discharge Date: 7/15/2015

County Attorney Review: (●) Required ( ) Not Required

Comments:
ok db 7/13/15

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 7/13/2015 Certificate of Insurance Required

Yes ( ) No (●)

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 7/15/2015

(●) Consent Agenda ( ) Regular Agenda ( ) Worksession Time Allotted:

Agenda Date: 7/21/2015

Revised April 2015

RELEASE OF DEVELOPMENT IMPROVEMENTS AGREEMENT
FOR FAIRWAY LANE - TOMICHI CREEK SUBDIVISION

WHEREAS, a Development Improvements Agreement was entered into on July 1, 2008, by and between the Board of County Commissioners of the County of Gunnison, Colorado (herein "Gunnison County") and West Elk Properties, L.L.C., a Colorado limited liability company (herein "Developer"), for the purpose of guaranteeing Developer's contribution towards improvements for Fairway Lane which was a condition for approval of Land Use Change No: 2006-10 for the development of Tomichi Creek Subdivision. Tomichi Creek Subdivision is located within the SE1/4 Section 10 and the N1/2NE1/4 Section 15, Township 49 North, Range 1 West, N.M.P.M., Gunnison County, Colorado as more specifically identified on the plat titled "Plat of Tomichi Creek Subdivision", prepared by Timothy E. Pearson, dated May 28, 2008 and recorded with the Gunnison County Clerk and Recorder's Office on July 1, 2008, bearing Reception No: 584860; and

WHEREAS, the Development Improvements Agreement was recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on July 1, 2008, bearing Reception No: 584863.

WHEREAS, all conditions of the Development Improvements Agreement have been met and fully satisfied; and

WHEREAS, all funds that had been retained for security have been fully released to Developer; and

NOW THEREFORE, the Board of County Commissioners of the County of Gunnison, Colorado shall and hereby does fully release the Development Improvements Agreement recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on July 1, 2008, bearing Reception No: 584863.

Dated this 21st day of July, 2015.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By: _____
Paula Swenson, Chairperson

ATTEST:

By: _____
Deputy County Clerk