AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Addendum to the Development Improvements Agreement

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement: BOC and Link, LLC

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

Summary:

This Addendum extends the time for an additional 90 days in which to substitute the temporary security for the DIA. Currently we are holding a deed of trust for the entire business park. We have received certification from the engineer that there has been substantial progress in the completion of

Fiscal Impact:

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

Finance Review: (●) Required ( ) Not Required

Comments:
no concerns, ln

Reviewed by: GUNCOUNTY1\lNienhueser Discharge Date: 7/22/2016

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

Comments:
ok - gs

Reveiwed by: GUNCOUNTY1\gstuhr Discharge Date: 7/26/2016 Certificate of Insurance Required Yes ( ) No (●)

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 7/28/2016

(●) Consent Agenda ( ) Regular Agenda ( ) Worksession Time Allotted: 0

Agenda Date: 8/2/2016

Revised April 2015

NCW & Associates, Inc.

July 21, 2016

Rachel Macgruder
Gunnison County
200 E. Virginia Avenue
Gunnison, Colorado 81230

RE: Vista Business Center- Partial Release

Dear Rachel:

I have review the work and product at Vista Business Center and have attached a summary if the work completed to date. On behalf of Vista Business Center, I am requesting a partial release of the security held for the road and utilities construction.

If you have any questions, please feel free to call me at 349-6384.

Respectfully submitted,

COLORADO LICENSED
NORMAN C. WHITEHEAD
27739
P.E. AND P.L.S.

Norman Whitehead, P.E.-P.L.S.

P.O. Box 3688
Crested Butte, CO 81224

(970) 349-6384

Vista Business Center
Infrastructure
Engineer's Cost Estimate

					4/5/16	Partial Release		7/21/16
Earthwork - Existing Grade to Finished Grade		Unit	Units	Unit Cost	Total Cost	Complete	Completed	Remaining
Cut	Pond	9,081	cy	1.40	12,713.40	100%	12,713.40	-
	Top Soil Pond	3,967	cy	1.40	5,553.80	100%	5,553.80	-
	Top Soil Road	4,267	cy	1.50	6,400.00	100%	6,400.00	-
Fill	Berm	2,028	cy	1.40	2,839.20	50%	1,419.60	1,419.60
	Road	8,259	cy	1.90	15,691.47	100%	15,691.47	-
	Final Grading	1,064	cy	1.80	1,915.20	0%	-	1,915.20
Roadway and Path Structure								
Class 6 Base		1,927	ton	14.50	27,941.50	0%	-	27,941.50
Clean Fines		240	ton	7.25	1,740.00	0%	-	1,740.00
Utilities								
Electric and Phone Trench		2,628	lf	1.75	4,599.00	0%	-	4,599.00
Electric conduit and equipment		1	ls	36913.76	36,913.76	100%	36,913.76	-
Phone Boxes	(Removed from Project)	6	ea	100.00	600.00	100%	600.00	-
Landscaping / Reclamation								
Cottonwood	4"+	37	ea	370.00	13,690.00	0%	-	13,690.00
Spruce	6'+	12	ea	230.00	2,760.00	0%	-	2,760.00
Bushes		21	ea	40.00	840.00	0%	-	840.00
Reclamation		130,145	sf	0.04	5,205.80	0%	-	5,205.80
Erosion logs		1,590	lf	1.60	2,544.00	0%	-	2,544.00
Miscellaneous								
Pond liner		59,879	sf	0.33	19,760.00	80%	15,808.00	3,952.00
Culvert	18"	205.00	lf	22.00	4,510.00	70%	3,157.00	1,353.00
Flared end	18"	2	ea	150.00	300.00	70%	210.00	90.00
PVC	4"	460	lf	2.50	1,150.00	85%	977.50	172.50
PVC	6"	10	lf	3.50	35.00	85%	29.75	5.25
Valve Gate	4"	1	ea	800.00	800.00	100%	800.00	-
Dry hydrant		2	ea	1350	2,700.00	50%	1,350.00	1,350.00
Entrance Sign		1	ea	2000.00	2,000.00	50%	1,000.00	1,000.00
					173,202.13			
Construction Staking and Observation					4,330.00	75%	3,247.50	1,082.50
Contingency				10%	17,320.00	65%	11,258.00	6,062.00
		Project Total			$194,852.13	60%	$ 117,129.78	$ 77,722.35

COLORADO LICENSED
NORMAN C. WHITEHEAD
27739
P.E. AND P.L.S.

Prepared By:

Norman C. Whitehead, P.E. -P.L.S.
NCW & Associates, Inc. Crested Butte, CO 81224

Vista Business Center
Deceleration Lane
Engineer's Cost Estimate

								Partial Release		
							4/5/16			7/21/16
Phase I - At time of Vista infrastructure construction										
Earthwork				Unit	Units	Unit Cost	Total Cost	Complete	Completed	Remaining
Traffic Control				1	ls	3700	3,700.00	0%	-	3,700.00
Erosion Control				840	lf	2.75	2,310.00	0%	-	2,310.00
Remove Fence				1	ls	275.00	275.00	0%	-	275.00
Strip				273	cy	5.25	1,433.25	0%	-	1,433.25
Culvert - CMP 24"				20	lf	33.00	660.00	0%	-	660.00
Embankment				3,718	cy	3.50	13,013.00	0%	-	13,013.00
Base Coarse Class 6	6 in			232	cy	16.50	3,828.00	0%	-	3,828.00
Top Soil				220	cy	1.40	307.37	0%	-	307.37
Seeding & Mulch				17960	sf	0.08	1,436.80	0%	-	1,436.80
Soil Testing				1	ls	1650.00	1,650.00	0%	-	1,650.00
							28,613.42			
Construction Staking and Observation							1,287.00	0%	-	1,287.00
Contingency						10%	2,861.00	0%	-	2,861.00
				Phase II Total			$ 32,761.42	0%	-	32,761.42
Phase II - After defined no. of lots developed										
Pavement										
Traffic Control				1	ls	3200	3,200.00	0%	-	3,200.00
Strip topsoil				25	cy	7.25	181.61	0%	-	181.61
Milling				742	lf	2.25	1,669.50	0%	-	1,669.50
HBP	6 in	539 sy		178	ton	150.00	26,680.50	0%	-	26,680.50
HBP	3 in	138 sy		23	ton	150.00	3,415.50	0%	-	3,415.50
Striping - remove				300	lf	2.00	600.00	0%	-	600.00
Striping	8 in			551	lf	2.75	1,515.25	0%	-	1,515.25
Striping	4 in			848	lf	2.50	2,120.00	0%	-	2,120.00
Backfill				24	cy	27.00	648.00	0%	-	648.00
Soil Testing				1	ls	1500.00	1,500.00	0%	-	1,500.00
							41,530.36			
Construction Staking and Observation							1,868.00	0%	-	1,868.00
Contingency						10%	4,153.00	0%	-	4,153.00
				Phase II Total			$ 47,551.36	0%	-	47,551.36
				Project Total			$ 80,312.77	0%	-	80,312.77

COLORADO LICENSED
NORMAN C. WHITEHEAD
27739
P.E. AND P.L.S.

Prepared By:

Norman C. Whitehead, P.E. -P.L.S.
NCW & Associates, Inc. Crested Butte, CO 81224

ADDENDUM TO THE DEVELOPMENT IMPROVEMENTS AGREEMENT FOR VISTA BUSINESS CENTER

THIS ADDENDUM TO THE DEVELOPMENT IMPROVEMENTS AGREEMENT FOR VISTA BUSINESS CENTER modifies that certain Development Improvements Agreement by and between the Board of County Commissioners of the County of Gunnison, Colorado, whose address is 200 E. Virginia, Gunnison, Colorado 81230 and Link, LLC, a Colorado limited liability company whose address is 1641 County Road 771, Ohio City, Colorado 81237, recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on May 3, 2016, bearing Reception No: 639202 ("Agreement").

The Agreement was entered into as a condition of approval of Land Use Change No: 2011-35 for the development of Vista Business Center, a commercial and industrial park consisting of thirteen lots, each approximately 1.1 to 2.6 acres in size (the "Project"). The Project is located in the NW1/4SW1/4 and the SW1/4NW1/4, Section 3, Township 49 North, Range 1 East, N.M.P.M., as identified on the plat titled "Plat of Vista Business Center Being Located in the NW1/4SW1/4 and the SW1/4NW1/4, Section 3, Township 49 North, Range 1 East, New Mexico Principal Meridian Gunnison County, Colorado", prepared by NCW & Associates, Inc., dated March 8, 2016 and recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on April 22, 2016, bearing Reception No: 639021.

1. Extension of 90 Day Period for Substitution of Temporary Security.

This Addendum hereby modifies the Agreement by extending the 90 day period in which to replace the temporary security pursuant to paragraph 5 of the Agreement.

That 90 day period currently expires on August 1, 2016. The 90 day period in which to substitute the temporary security shall be and hereby is extended for an additional 90 days to expire at 5:00 p.m. on October 31, 2016.

2. Reaffirmation and Ratification.

Except as modified herein, any and all terms and conditions of the Agreement referenced above are hereby reaffirmed and ratified.

APPROVED this 2nd day of August, 2016.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By: _____
Paula Swenson, Chairperson

ATTEST:

_____
Deputy County Clerk

LINK, LLC,
a Colorado limited liability company

By:_____
Hal Hearne, President

STATE OF COLORADO)
)ss.
COUNTY OF GUNNISON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Hal Hearne, President of Link, LLC, a Colorado limited liability company, Developer herein.

Witness my hand and seal.
My commission expires: _____.

_____
Notary Public
Address: