AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Fourth Addendum to the Development Improvements Agreement for Wilder on the Taylor – Phase 1; Jackson-Shaw/Taylor River Ranch, LLC

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement: BOCC and Jackson-Shaw/TaylorRiver Ranch, L.L.C.

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

Summary:
The attached Fourth Addendum to the DIA for Wilder on the Taylor, Phase 1 extends the work completion date from 11/30/15 to 11/30/17. Security in the amount of $954,268.75 is in place by bond with an expiration date of 11/30/18.

Fiscal Impact: 0

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

Finance Review: (●) Required ( ) Not Required

Comments:

Reviewed by: GUNCOUNTY1\lNienhueser Discharge Date: 10/27/2014

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

Comments:

Reviewed by: GUNCOUNTY1\atrezise Discharge Date: 10/27/2014 Certificate of Insurance Required Yes ( ) No (●)

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\mbirnie Discharge Date: 10/28/2014

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

Agenda Date: 11/4/2014 Follow Up Agenda Date:

Revised April 2013

FOURTH ADDENDUM TO THE DEVELOPMENT IMPROVEMENTS AGREEMENT FOR WILDER ON THE TAYLOR – PHASE I

THIS FOURTH ADDENDUM TO THE DEVELOPMENT IMPROVEMENTS AGREEMENT FOR WILDER ON THE TAYLOR – PHASE 1 ("Fourth Addendum") is entered into this ____ day of _____, 2014 by and between the Board of County Commissioners of the County of Gunnison, Colorado whose address is 200 E. Virginia, Gunnison, Colorado 81230 and Jackson-Shaw/Taylor River Ranch, L.L.C. whose address is 4890 Alpha Road, Suite 100, Dallas, Texas 75244.

This Fourth Addendum modifies the following documents:

A. Development Improvements Agreement, by and between the Board of County Commissioners of the County of Gunnison, Colorado and Jackson-Shaw/Taylor River Ranch, L.L.C., a Colorado limited liability company, for the development of Taylor River Ranch Subdivision, dated November 12, 2008, recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on November 20, 2008, bearing Reception No: 587748; and

B. Addendum To The Development Improvements Agreement For Taylor River Ranch Subdivision now known as Wilder On The Taylor, dated January 5, 2010, recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on January 7, 2010, bearing Reception No: 596210; and

C. Second Addendum to the Development Improvements Agreement for Wilder on the Taylor – Phase 1, dated April 5, 2011, recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on April 12, 2011, bearing Reception No: 604625 ("Second Addendum"); and

D. Third Addendum to the Development Improvements Agreement for Wilder on the Taylor – Phase 1, dated April 23, 2013, recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on April 29, 2013, bearing Reception No: 619785 ("Third Addendum").

The modification of the above referenced documents is as follows:

1. Extension of Work Completion Date. As identified in the Third Addendum, the work completion date for the remaining improvements identified for Parts B through D, Phase 1 of Wilder on the Taylor currently is November 30, 2015.

That work completion date for those remaining improvements identified for Parts B through D, Phase 1 shall be and hereby is extended to November 30, 2017.

2. Revised Cost Estimate. The Revised Cost Estimate for Parts B through D, Phase 1 identified in the Second Addendum is hereby modified to reflect the current market prices in the amount of Seven Hundred Sixty Three Thousand Four Hundred Fifteen and No/100 U.S. Dollars ($763,415.00) as identified in the Revised Cost Estimate dated May 15, 2014 attached hereto and incorporated herein by reference as Appendix "A".

3. Adequate Security To Be Provided. Pursuant to paragraphs 5 and 7.C of the Development Improvements Agreement and paragraph 2 of the Third Addendum, 125 percent of the estimated cost of the Improvements, which is currently in the amount of Nine Hundred Fifty Four Thousand Two Hundred Sixty Eight and 75/100 U.S. Dollars ($954,268.75), shall be provided to the County in a form and content satisfactory to the County to the benefit of the County to be held as security for the completion of the Improvements. Developer shall ensure that this security is current at all times and, at the direction of the County, shall extend the security to the date identified by the County.

4. Ratification. Except as modified herein, the terms and conditions of the above referenced Development Improvements Agreement and Addendums thereto are hereby reaffirmed and ratified.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By:_____
Paula Swenson, Chairperson

ATTEST:

_____
Deputy County Clerk

JACKSON-SHAW/TAYLOR RIVER RANCH, L.L.C.,
a Colorado limited liability company

By: Ron Welborn, Vice President
Ron Welborn, Vice President

STATE OF TEXAS)
) ss.
County of Dallas)

The foregoing was acknowledged before me this 30th day of September, 2014, by Ron Welborn, Vice President of Jackson – Shaw/Taylor River Ranch, L.L.C., a Colorado limited liability company, Developer herein.

Witness my hand and official seal.
My commission expires: 01/10/18 Hope E. Knott
Notary Public
Address: Dallas, TX 75244

NOTARY PUBLIC STATE OF TEXAS
HOPE E KNOTT
My Commission Expires
January 10, 2018

Wilder on The Taylor
Opinion of Probable Cost
Development Improvement Agreement (DIA)

Revised May 15, 2014
SGM Inc.

PHASE 1

DESCRIPTION	ITEM	UNIT	QUANTITY	UNIT COST	TOTAL COST	COMPLETED TO DATE	AMOUNT REMAINING
PHASE 1 part A							
ROADWAYS	**Wildwater Way (sta 1+00 to 83+00)**	*WORK COMPLETED*					
	Road Clearing and grubbing/minor earth work	Linear Foot	8200	$6.67	$54,694.00	$54,694.00	$0.00
	Structural and Finished Surface	Linear Foot	8200	$39.00	$319,800.00	$319,800.00	$0.00
	18" ADS N12 or CMP Culverts	Linear Foot	536	$45.00	$24,120.00	$24,120.00	$0.00
	24" ADS N12 or CMP Culverts	Linear Foot	40	$65.00	$2,600.00	$2,600.00	$0.00
	48" Precast Concrete Box Culverts	Linear Foot	121	$70.00	$8,470.00	$8,470.00	$0.00
	Road Signs and Mail Boxes	Lump Sum	1	$3,500.00	$3,500.00	$3,500.00	$0.00
	Reclamation	Acre	4	$6,534.00	$26,136.00	$26,136.00	$0.00
			Wildwater Way Road Work Total		**$439,320.00**	$439,320.00	**$0.00**
	Stonefly Trail (sta 1+00 to 15+00)						
	Road Clearing and grubbing/minor earth work	Linear Foot	1400	$6.00	$8,400.00	$8,400.00	$0.00
	Structural and Finished Surface	Linear Foot	1400	$25.00	$35,000.00	$35,000.00	$0.00
	18" ADS N12 or CMP Culverts	Linear Foot	40	$25.00	$1,000.00	$1,000.00	$0.00
	Reclamation	Acre	1	$6,534.00	$6,534.00	$6,534.00	$0.00
			Stonefly Trail Work Total		**$50,934.00**	$50,934.00	**$0.00**
	Ranch Mgr. Access (sta 11+30 to 14+75)						
	Road Clearing and grubbing/minor earth work	Linear Foot	345	$2.07	$714.15	$714.15	$0.00
	Structural and Finished Surface	Linear Foot	345	$25.00	$8,625.00	$8,625.00	$0.00
(Costed in Wildwater Way Rd section)	Reclamation	Acre	0			$0.00	$0.00
			Ranch Manager Road Work Total		**$9,339.15**	$9,339.15	**$0.00**
SHALLOW UTILITY SYSTEM	Install combined electric, phone, and future conduit in common trench	Lineal Foot	9800	$26.00	$254,800.00	$254,800.00	
			Shallow Utility System Total		**$254,800.00**	$254,800.00	**$0.00**
DRY HYDRANTS	Dry Fire Hydrants	Each	3	$2,200.00	$6,600.00	$6,600.00	$0.00
			Dry Hydrant Total		**$6,600.00**	$6,600.00	**$0.00**
BRIDGES							
Fishing Stream Crossing - Main Road	Full installation of crossing includes all labor, materials and equipment (20' span)	Lump Sum	1	$36,500.00	$36,500.00	$36,500.00	$0.00
Fishing Stream Crossings - Ranch Access Road	Full installation of crossing includes all labor, materials and equipment (20' span)	Lump Sum	1	$28,500.00	$28,500.00	$28,500.00	$0.00
			Bridges Work Total		**$65,000.00**	$65,000.00	**$0.00**
PHASE 1 TOTALS					**$825,993.15**		**$0.00**

Phase I Part A 100% Complete

APPENDIX A

Wilder on The Taylor
Opinion of Probable Cost
Development Improvement Agreement (DIA)

Revised May 15, 2014
SGM Inc.

DESCRIPTION	ITEM	UNIT	QUANTITY	UNIT COST	TOTAL COST
PHASE 1 part B					
BRIDGES					
Taylor River Bridge	Full installation of bridge includes all concrete abutments and scour protection	Lump Sum	1	$321,000.00	$321,000.00
				Bridges Work Total	**$321,000.00**
PHASE I PART B					**$321,000.00**

PHASE 1 part C					
ROADWAYS	**Rarick Road (sta 1+00 to 6+30)**				
	Road Clearing and grubbing/minor earth work	Acre	0.5	$3,200.00	$1,600.00
	Structural and Finished Surface, includes geotextile fabric and 6" road base	Linear Foot	530	$39.00	$20,670.00
	Reclamation	Acre	0.25	$4,570.00	$1,142.50
				Rarick Road Work Total	**$23,412.50**
SHALLOW UTILITY SYSTEM	Install combined electric, phone, and future conduit in common trench	Lineal Foot	630	$27.00	$17,010.00
				Shallow Utility System Total	**$17,010.00**
PHASE I PART C					**$40,422.50**

PHASE 1 Part D					
ROADWAYS	**Wilder Mountain Road (sta 1+00 to 40+60)**				
	Road Clearing and grubbing	Acre	3	$3,800.00	$11,400.00
	Earth Work (cuts/fills)	Linear Foot	3960	$21.00	$83,160.00
	Structural and Finished Surface, includes geotextile fabric and 6" road base	Linear Foot	3960	$39.00	$154,440.00
	48" and 36" ADS N12 or CMP Culverts	Linear Foot	80	$65.00	$5,200.00
	Rock Retaining Wall	Square Foot	2520	$24.50	$61,740.00
	Reclamation	Acre	1.5	$4,570.00	$6,855.00
				Wilder Mtn Road Work Total	**$322,795.00**
SHALLOW UTILITY SYSTEM	Install combined electric, phone, and future conduit in common trench	Lineal Foot	4010	$19.75	$79,197.50
				Shallow Utility System Total	**$79,197.50**
PHASE I PART D					**$401,992.50**

		Original Project total	Phase I Work Remaining
PHASE I PARTS A THROUGH D TOTALS	**Project Total**	**$1,589,408.15**	**$763,415.00**