AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Second Addendum to the Development Improvements Ag

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement: BOCC and Horse River, LLC

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

Summary:

Attached please find the Second Addendum to the Development Improvements Agreement for Horse River Ranch, Tract A. A substantial amount of work has been completed with the exception of the installation of electric, signage and the need for a little more road base and reclamation. We are

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: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:

Reveiwed by: Discharge Date: 11/3/2017 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 11/3/2017

◉ Consent Agenda ○ Regular Agenda ○ Worksession Time Allotted: 0

Agenda Date: 11/7/2017

Revised April 2015

SECOND ADDENDUM TO THE

DEVELOPMENT IMPROVEMENTS AGREEMENT

FOR HORSE RIVER RANCH, TRACT A

THIS SECOND ADDENDUM TO THE DEVELOPMENT IMPROVEMENTS AGREEMENT for Horse River Ranch, Tract A modifies that certain Development Improvements Agreement by and between the Board of County Commissioners of the County of Gunnison, Colorado and Horse River, L.L.C., a Maryland limited liability company recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on September 17, 2015, bearing Reception No: 635499 and the Addendum to the Development Improvements Agreement for Horse River Ranch, Tract A recorded in the records of the Office of the Clerk and Recorder of Gunnison County on January 11, 2017, bearing Reception No: 644310.

The Development Improvements Agreement was entered into pursuant to the approval of Land Use Change No: 2006-71 regarding constructing a road to access Lots A-1, A-2, A-3, A-4 and A-5 and installation of signage and electricity within Tract A, Horse River Ranch. The location and legal description of Tract A is identified on the plat titled: *Land Survey Plat of Tract A, Horse River Ranch A Portion of Sections 3 and 10, Township 50 North, Range 1 West of the New Mexico Principal Meridian, Gunnison County, Colorado,* prepared by NCW & Associates, Inc., dated July 25, 2009, and recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on October 8, 2010, bearing Reception No: 601267.

The Development Improvements Agreement and Addendum thereto are hereby modified as follows:

1. Work Completion Date. Relevant to paragraphs 3 and 6 of the Development Improvements Agreement and third paragraph of the Addendum thereto, the current work completion date for the completion of improvements as identified in paragraph 7 of the Development Improvements Agreement was August 31, 2017. The work completion date is hereby extended to August 31, 2018.

2. Reaffirmation and Ratification. Except as modified herein, the terms and conditions of the Development Improvements Agreement and Addendum thereto are hereby reaffirmed and ratified.

This Second Addendum to the Development Improvements Agreement shall not be effective until it is recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado.

APPROVED this 7th day of November, 2017.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By: _____
Phil Chamberland, Chairperson

ATTEST:

_____
Deputy County Clerk

HORSE RIVER, L.L.C.,
a Maryland limited liability company

By: _____
John Corbitt, Owner

STATE OF MARYLAND)
)ss.
County of Howard)

The foregoing instrument was acknowledged before me this 12th day of October, 2017, by John Corbitt, Owner of Horse River, L.L.C., a Maryland limited liability company.

Witness my hand and seal.
My commission expires: 09/11/2021

Janette Hamon
Notary Public
Address: Carroll County