AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Fifth Addendum to the Development Improvements Agr

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement: BOCC and Jackson-Shaw/Taylor River Ranch, LLC

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

Summary:

Please find the Fifth Addendum to the Development Improvements Agreement for Wilder on the Taylor, Phase I extending the work completion date from 11/30/17 to 11/30/19. All infrastructure has been completed with the exception of Barick Road. Adequate security has been provided.

Fiscal Impact:

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: GUNCOUNTY1\mhoyt Discharge Date: 3/21/2018 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 3/22/2018

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

Agenda Date: 3/27/2018

Revised April 2015

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

THIS FIFTH ADDENDUM TO THE DEVELOPMENT IMPROVEMENTS AGREEMENT FOR WILDER ON THE TAYLOR – PHASE 1 ("Fifth Addendum") is entered into this _____ day of _____, 2018 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., a Colorado limited liability company, whose address is 4890 Alpha Road, Suite 100, Dallas, Texas 75244.

This Fifth Addendum modifies the following documents:

A. Development Improvements Agreement 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 ("Agreement"); 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 ("Addendum"); 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"); and

E. Fourth Addendum to the Development Improvements Agreement for Wilder on the Taylor – Phase 1, dated November 4, 2014, recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on November 14, 2014, bearing Reception No: 630018 ("Fourth Addendum").

The modification of the above referenced documents is as follows:

1. Extension Of The Work Completion Date. As identified in paragraph 1 of the Fourth Addendum, the work completion date for Improvements for Wilder on the Taylor - Phase 1

was November 30, 2017. The work completion date for the remaining Improvements shall be and hereby is extended from November 30, 2017 to November 30, 2019.

2. Revised Cost Estimate. The cost estimate identified in paragraph 2 and Appendix A of the Fourth Addendum is hereby revised for the remaining Improvements to reflect current market prices in the amount of Forty Six Thousand Eight Hundred Sixty and No/100 U.S. Dollars ($46,860.00) as set forth in the *Engineers Opinion of Probable Construction Cost Wilder on the Taylor Development Improvements Agreement (revised December 07, 2017)* attached hereto and incorporated herein by reference as Appendix "A".

3. Adequate Security To Be Provided. Pursuant to paragraph 5 the Agreement and paragraph 3 of the Fourth Addendum, 125 percent of the estimated cost of the Improvements, which is currently in the amount of Fifty Eight Thousand Five Hundred Seventy Five Dollars and No/100 U.S. Dollars ($58,575.00), 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 Agreement and Addendums thereto are hereby reaffirmed and ratified.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By:_____
Phil Chamberland, 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 21st day of February, 2018 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:

Jana Davidson
Notary Public
Address: 4890 Alpha Road
Suite 100
Dallas, TX 75244
(972) 628-7400

JANA DAVIDSON
Notary Public, State of Texas
Comm. Expires 03-24-2020
Notary ID 13059442-7

SGM

Engineers Opinion of Probable Construction Cost
Wilder on the Taylor
Development Improvement Agreement (revised December 07, 2017)

Phase I part C - Rarick Road

Contract Item #	Estimated Quantity	Unit	Description	Unit Price	Total Price
1	1	LS	MOBILIZATION	$2,500.00	$2,500.00
2	1	LS	CLEARING AND GRUBBING (0.5 acre)	$1,500.00	$1,500.00
3	530	LF	STRUCTURAL and FINISHED SURFACE (class 6 road base)	$42.00	$22,260.00
4	600	LF	SHALLOW UTILITIES (ELEC AND PHONE)	$31.00	$18,600.00
5	1	LS	FINAL SEEDING AND RECLAMATION OF CUT/FILL SLOPES (0.25 acre)	$2,000.00	$2,000.00
				TOTAL Opinion of Construction Cost	$46,860.00

COLORADO LICENSED
GERALD EDWARD BURGESS
38250
PROFESSIONAL ENGINEER

12/7/17

APPENDIX A