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: BOCC and Lakeside on the Colorado, Ltd.

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

Summary:

Attached please find the Addendum to the Development Improvements Agreement for Little Cimarron Creek Ranch Subdivision which extends the work completion, engineer's certification and affidavit of payment dates for an additional 3 months.

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:
ok db 8/10/17

Reveiwed by: Discharge Date: 8/11/2017 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 8/11/2017

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

Agenda Date: 8/15/2017

Revised April 2015

ADDENDUM TO THE
DEVELOPMENT IMPROVEMENTS AGREEMENT
FOR LITTLE CIMARRON CREEK RANCH SUBDIVISION

THIS ADDENDUM TO THE DEVELOPMENT IMPROVEMENTS AGREEMENT FOR LITTLE CIMARRON CREEK RANCH SUBDIVISION modifies that certain Development Improvements Agreement by and between the Board of County Commissioners of the County of Gunnison, Colorado, and Lakeside on the Colorado, Ltd., a Texas limited liability partnership, which was recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on November 16, 2016, bearing Reception No: 643372.

The Little Cimarron Creek Ranch Subdivision is located within Township 48 North, Range 6 West, N.M.P.M., Section 35: All that portion of the E1/2NW1/4 and NE1/4SW1/4 lying southwesterly of the right of way boundary of County Road 864, commonly known as The Little Cimarron Road, County of Gunnison, State of Colorado.

1. Extension of Deadlines for Work Completion, Certification and Affidavit of Payment.

This Addendum hereby modifies the above referenced Development Improvements Agreement by extending the following deadlines:

A. The work completion date identified in paragraph 3.A from July 31, 2017 to October 31, 2017; and

B. The engineer's certification of completion of improvements date identified in paragraph 6.A from August 31, 2017 to November 31, 2017; and

C. The affidavit of payment date for said improvements identified in paragraph 6.B from August 31, 2017 to November 31, 2017.

2. Reaffirmation and Ratification.

Except as modified herein, any and all terms and conditions of the above referenced Development Improvements Agreement for Little Cimarron Creek Ranch Subdivision are hereby reaffirmed and ratified.

APPROVED this 15th day of August, 2017.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By: _____
Phil Chamberland, Chairperson

ATTEST:

_____
Deputy County Clerk

LAKESIDE ON THE COLORADO, LTD.,
a Texas limited liability partnership

By:_____
Jay Dickens as President of
Solid Rock Investors, Inc., General Partner

STATE OF TEXAS)
)ss.
COUNTY OF TOM GREEN)

The foregoing instrument was acknowledged before me this 7th day of August, 2017, by Jay Dickens as President of Solid Rock Investors, Inc., General Partner of Lakeside on the Colorado, Ltd., a Texas limited liability partnership.

Witness my hand and seal.
My commission expires: 8-29-19.

Kathryn Reynolds
Notary Public
Address: 3030 W Beauregard
San Angelo TX

KATHRYN REYNOLDS
Notary Public, State of Texas
My Commission Expires
August 29, 2019

CERTIFIED COPY OF RESOLUTION OF BOARD OF DIRECTORS OF SOLID ROCK INVESTORS, INC.

THE STATE OF TEXAS §

COUNTY OF TOM GREEN §

That I, Jay Dickens, Secretary of Solid Rock Investors, Inc., a Texas corporation, in it's capacity as general partner of the Partnership, certify that I have custody of the corporate records of the Company and partnership records of the Partnership and that I am authorized to execute and deliver this certificate of resolutions on behalf of the Company in its capacity as general partner of the Partnership. I further certify as follows:

"RESOLVED that Jay Dickens, President of Solid Rock Investors, Inc., shall have the power to and for said corporation as general partner of Lakeside on the Colorado, Ltd. to sell real and personal property, to give and sign deeds, deeds of trusts, transfers, assignments, and other conveyances with or without warranties, including giving warranty deeds to realty; to sign contracts of sale involving real and personal property; to sign contracts for the purchase of any and all goods, wares, and merchandise; to execute promissory notes, mortgages, bills of sale, mortgage and pledge assets, disclosures and other documents associated with loans; to give liens on all corporate property, real, personal, and mixed; to sign closing documents, deeds, easements and other documents in connection with the purchase of real property and personal property; to open bank accounts and write checks and draft on the corporation accounts; and there shall be no necessity for the Secretary of the corporation to attest to such documents nor shall there be a necessity that the corporate seal be applied to any of said instruments.

"FURTHER RESOLVED, that all documents heretofore executed by Jay Dickens, President of Solid Rock Investors, Inc., as general partner of Lakeside on the Colorado, Ltd., are hereby ratified and confirmed as being the act and deed of said partnership.

"FURTHER RESOLVED, that this resolution and the power and authority hereby created may be canceled and rescinded only by proper resolution to that effect duly recorded in the proper Real Property Records of any county in which this Resolution is recorded.

"FURTHER RESOLVED, that Jay Dickens, President of Solid Rock Investors, Inc., is authorized to execute any and all documents and other matters as named above on behalf of Solid Rock Investors, Inc., regarding Lakeside on the Colorado, Ltd., a Texas limited partnership, Solid Rock Investors, Inc., being the General Partner of said limited Partnership.

SOLID ROCK INVESTORS, INC.

By: _____

By: Jay Dickens, President/Secretary

THE STATE OF TEXAS §

COUNTY OF TOM GREEN §

This instrument was acknowledged before me on August 7, 2017 by Jay Dickens, President/Secretary of Solid Rock Investors, Inc., General Partner of Lakeside on the Colorado.

Kathryn Reynolds

Notary Public, State of Texas

KATHRYN REYNOLDS
Notary Public, State of Texas
My Commission Expires
August 29, 2019