

**RESOLUTION NO. R-016- 081**

**THE BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF DOUGLAS, COLORADO**

**A RESOLUTION APPROVING THE DRAW IN THE AMOUNT OF \$280,166.45 ON  
PERFORMANCE BOND NO. 1004015 ISSUED BY THE HANOVER INSURANCE  
COMPANY, IN CONNECTION WITH THE MERIDIAN INTERNATIONAL BUSINESS  
CENTER FILING 7F, EXTENDED WARRANTY PERFORMANCE IMPROVEMENTS,  
EXECUTED BY KB HOME COLORADO, INC.,**

***WHEREAS***, on August 24, 2012, The Hanover Insurance Company issued its Performance Bond No. 1004045 ("BOND"), in the amount of \$280,166.45; and

***WHEREAS***, said Performance Bond was issued on the request of KB Home Colorado, Inc., ("Developer"), as Extended Warranty Performance security, of its obligations under the Subdivision Improvements Agreement ("SIA"), for Project No. DV 11 128; and

***WHEREAS***, said Performance Bond will expire on September 10, 2016, and, under the terms and conditions of the Subdivision Improvements Agreement ("SIA"), security must remain valid and in full force and effect until all public improvements have been accepted and approved for final acceptance by Douglas County; and

***WHEREAS***, Douglas County's Engineering Division has determined that those obligations of KB Home Colorado, Inc. have not been fulfilled; and

***WHEREAS***, KB Home Colorado, Inc. is in default in the performance of its obligations under the SIA; and

***WHEREAS***, KB Home Colorado, Inc. was provided with a minimum of fourteen days written notice of Douglas County's intention to draw on said Performance Bond; and

***WHEREAS***, KB Home Colorado, Inc. was provided timely notice of the hearing on this matter; and

***WHEREAS***, the Board of County Commissioners has concluded that in order to maintain its security for the performance of the obligations of KB Home Colorado, Inc. under the terms of the SIA, it must draw on said Performance Bond No. 1004015, in the amount of \$280,166.45; now, therefore,

**BE IT RESOLVED** by the Board of County Commissioners of the County of Douglas, State of Colorado, that the Chair or Vice Chair of the Board of County Commissioners is authorized and directed to draw on said Performance Bond No. 1004015, issued by The Hanover Insurance Company, in the amount of \$280,166.45 and to execute any statement, draft, or other documents necessary to accomplish said draw on or before September 10, 2016; now, therefore,


**BE IT FURTHER RESOLVED**, in the event that KB Home Colorado, Inc. extends said Performance Bond to September 10, 2017, before such draw is made, this resolution shall have no further effect and such draw on said Performance Bond shall not be made.

**PASSED AND ADOPTED** this 23<sup>rd</sup> day of August, 2016, in Castle Rock, Douglas County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO**

BY:   
DAVID A. WEAVER, Chair

**ATTEST:**

  
MEGHAN MCCANN, Deputy Clerk

