

RESOLUTION NO. R-022- 120

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

**RESOLUTION APPROVING THE DRAW IN THE AMOUNT OF \$160,695.00 ON
IRREVOCABLE LETTER OF CREDIT NO. 788, ISSUED BY INDEPENDENT BANK,
IN CONNECTION WITH FOX HILL FILING 1, PHASE 2C WARRANTY
PERFORMANCE SECURITY. DOUGLAS COUNTY PROJECT NUMBER DV 2015-217.**

WHEREAS, on December 14, 2020, Independent Bank issued its Irrevocable Letter of Credit No. 787 (“LOC”), as amended, in the amount of \$160,695.00; and

WHEREAS, said Letter of Credit was issued at the request of Fox Hill Development, Inc. (“Developer”), as Warranty Performance, of its obligations under the Subdivision Improvements Agreement (“SIA”), for Project No. DV 2015-217; and

WHEREAS, said Letter of Credit will expire on December 14, 2022, and, under the terms and conditions of the Subdivision Improvements Agreement (“SIA”), security must remain valid and in full force and effect until all required improvements have been completed and inspected by Douglas County; and

WHEREAS, the Douglas County Engineering Division has determined that those obligations of Fox Hill Development, Inc. have not been fulfilled; and

WHEREAS, Fox Hill Development, Inc. is in default in the performance of its obligations under the SIA; and

WHEREAS, Fox Hill Development, Inc. was provided with a minimum of fourteen days written notice of Douglas County’s intention to draw on said Letter of Credit; and

WHEREAS, Fox Hill Development, 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 Fox Hill Development, Inc., under the terms of the SIA, it must draw on said Letter of Credit No. 788, in the amount of \$160,695.00 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 Letter of Credit No. 788, issued by Independent Bank, in the amount of \$160,695.00 , and to execute any statement, draft, or other documents necessary to accomplish said draw on or before December 14, 2022; now, therefore,

BE IT FURTHER RESOLVED, if Fox Hill Development, Inc. extends said Letter of Credit to December 14, 2023, before such draw is made, this resolution shall have no further effect and such draw on said Letter of Credit shall not be made.

PASSED AND ADOPTED this 6th day of December 2022, in Castle Rock, Douglas County, Colorado.

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

BY:


DocuSigned by:

2322EA9EBA95429

ABE LAYDON, Chair

DocuSigned by:



ATTEST:

DocuSigned by:

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KRISTIN RANDETT, Clerk to the Board