

Resolution No. R-024- 054

Resolution Approving the Draw in the Amount of \$36,891.00 on Irrevocable Letter of Credit No. HACH6996100S, issued by BMO Bank, N.A., In Connection with Stone Creek Ranch Filing 1, Village A, Phase 3, Warranty Performance Security. Douglas County Project Number DV 2014-380.

WHEREAS, on December 26, 2019, BMO Bank, N.A., issued its Irrevocable Letter of Credit No. HACH6996100S (“LOC”), as amended, in the amount of \$36,891.00; and

WHEREAS, said Letter of Credit was issued at the request of KB Home Colorado, Inc. (“Developer”), as Warranty Performance, of its obligations under the Subdivision Improvements Agreement (“SIA”), for Project No. DV2014-380; and

WHEREAS, said Letter of Credit will expire on May 12, 2024, 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 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 Letter of Credit: 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 Letter of Credit No. HACH6996100S, in the amount of \$36,891.00 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. HACH6996100S, issued by BMO Bank, N.A., in the amount of \$36,891.00, and to execute any statement, draft, or other documents necessary to accomplish said draw on or before May 12, 2024; now, therefore,

BE IT FURTHER RESOLVED, if KB Home Colorado, Inc. extends said Letter of Credit to May 12, 2025, 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 23rd day of April 2024, in Castle Rock, Douglas County, Colorado.

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

BY:

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Geo. P. Teal

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GEORGE TEAL, Chair

DocuSigned by:



ATTEST:

DocuSigned by:

Kristin Randlett

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KRISTIN RANDETT, Clerk to the Board