

**RESOLUTION NO. R-025-007**

**RESOLUTION APPROVING THE DRAW IN THE AMOUNT OF \$256,751.00 ON  
IRREVOCABLE LETTER OF CREDIT NO. 69622454, ISSUED BY SIMMONS BANK,  
N.A., IN CONNECTION WITH CANYONS SOUTH FILING 3, ALL PHASES  
WARRANTY PERFORMANCE SECURITY. DOUGLAS COUNTY PROJECT  
NUMBER DV2022-097.**

**WHEREAS**, on February 5, 2024, Simmons Bank issued its Irrevocable Letter of Credit No. 69622454 (“LOC”), in the amount of \$256,751.00 and **WHEREAS**, said Letter of Credit was issued at the request of HT Canyons South Development, LP (“Developer”), as Warranty Performance, of its obligations under the Subdivision Improvements Agreement (“SIA”), for Project No. DV2022-097; and

**WHEREAS**, said Letter of Credit will expire on February 5, 2025, 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 HT Canyons South Development, LP have not been fulfilled; and

**WHEREAS**, HT Canyons South Development, LP is in default in the performance of its obligations under the SIA; and

**WHEREAS**, HT Canyons South Development, LP was provided with a minimum of fourteen days written notice of Douglas County’s intention to draw on said Letter of Credit: and

**WHEREAS**, HT Canyons South Development, LP 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 HT Canyons South Development, LP, under the terms of the SIA, it must draw on said Letter of Credit No. 69622454, in the amount of \$256,751.00 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. 69622454, issued by Simmons Bank, in the amount of \$256,751.00, and to execute any statement, draft, or other documents necessary to accomplish said draw on or before February 5, 2025; now, therefore,

**BE IT FURTHER RESOLVED**, if HT Canyons South Development, LP extends said Letter of Credit to February 5, 2026, 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 28<sup>th</sup> day of January, 2025, in Castle Rock, Douglas County, Colorado.


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

**BY:**

Signed by:  
  
2322EA0EBA05420

**ABE LAYDON, Chair**

**ATTEST:**

DocuSigned by:  
  
166E3E33F00240B

**HAYLEY HALL, Clerk to the Board**

