

**RESOLUTION NO. 2006-086**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
OURAY COUNTY, COLORADO TO APPROVE THE FINAL DEVELOPMENT  
PLAN/ FINAL PLAT OF CORNERSTONE, PHASE II  
AND ASSOCIATED DOCUMENTS**

**WHEREAS**, the Board of County Commissioners of Ouray County, Colorado (“Board”) has previously approved an Amended Development Agreement dated April 25, 2005 (“Development Agreement”) between Cornerstone Montrose, LLC (“Cornerstone”) and the Board which Development Agreement describes the use and development of certain property owned by Cornerstone, as more particularly described in such Development Agreement (“Property”); and

**WHEREAS**, as part of the Development Agreement, Cornerstone is permitted to develop the Property in phases and to seek approval from the Board of separate final plats for each phase of development; and

**WHEREAS**, Cornerstone has submitted its Final Development Plan/Final Plat for Phase II of the Cornerstone development as well as certain other documents describing the rights and obligations of Cornerstone and the Board with respect to the approval of Phase II; and

**WHEREAS**, the Board reviewed the Final Development Plan/Final Plat of Cornerstone, Phase II (“Phase II Final Plat”) at its regularly scheduled and noticed meeting on November 27, 2006 and is prepared to approve the Phase II Final Plat and associated documents, as follows;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY  
COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:**

1. The Final Improvements Agreement for Cornerstone, Phase II is approved. The amount of the bond to be posted by Cornerstone, as described in the Agreement, shall be 120% of the cost to complete the remaining improvements and infrastructure necessary to serve the lots (Homesteads) within Phase II and the improvements to Government Springs Road. Such amount reflects the fact that the amounts necessary to complete the infrastructure are set forth in the executed contract and work orders between Cornerstone and Hank Williams, Inc. d/b/a Williams Construction Contractors and such contract provides for an assignment to Ouray County in the event of a default by Cornerstone. Based upon such facts, the Board finds that 120% will adequately address the completion of the infrastructure for Phase II and the Government Springs Road improvements.

2. The First Amendment to Ouray County Development Phasing Plan and Agreement is approved.
3. The form of the Subdivision Performance Bond for the improvements to Government Springs Road in the amount of \$4,511,403.60 to be issued by Travelers Casualty and Surety Company of America is approved (“Government Springs Road bond”).
4. The form of the Subdivision Performance Bond for Phase II infrastructure improvements in the amount of \$991,464.71 to be issued by Travelers Casualty and Surety Company of America is approved (“Phase II bond”).
5. The Phase II Final Plat is approved, subject to the following conditions which Cornerstone is required to comply with prior to recordation of the Phase II Final Plat:
  - a. The “First Amendment to Declaration of Access and Utility Easement (Concerning Use of Cornerstone Trail by Phase II Homesteads)” shall be recorded by Cornerstone; and
  - b. The “Notice of Authorization and Consent” executed by Amegy Bank National Association, as approved by the Ouray County Attorney, shall be recorded.
  - c. Cornerstone shall deliver the Government Springs Road bond and the Phase II bond.
  - d. The Final Improvements Agreement for Phase II shall be fully executed and recorded.
  - e. Modifications to the plat, described as all parcels to be identified as “Homesteads” and all lot areas to be calculated to only the third decimal point, shall be made by Cornerstone and approved by the Ouray County Land Use Administrator.
6. Cornerstone shall be required to complete the improvements to Government Springs Road, as described in the Final Improvements Agreement for Phase II, on or before August 1, 2007.
7. The Chair is authorized to sign the Phase II Final Plat and the documents approved herein at such time as the Land Use Administrator and the Ouray County Attorney certify to the Chair that all of the conditions set forth herein have been satisfactorily met.

APPROVED AND ADOPTED THIS 4th DAY OF DECEMBER, 2006  
RATIFYING ACTION TAKEN ON NOVEMBER 27, 2006.

Board of County Commissioners of  
Ouray County, Colorado

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Heidi M. Albritton, Chair

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Don Batchelder

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Kristi R. Westfall

ATTEST:

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Michelle Nauer  
Ouray County Clerk and Recorder  
By: Linda Munson-Haley  
Deputy Clerk of the Board