

TOWN OF TIMNATH, COLORADO

RESOLUTION NO. 20, SERIES 2012

A RESOLUTION APPROVING THE SECOND AMENDMENT TO THE WILDWING  
AMENDED SUBDIVISION IMPROVEMENTS AGREEMENT

**WHEREAS**, the Town Council of the Town of Timnath ("Town") has the power to pass resolutions pursuant to C.R.S. § 31-15-103; and

**WHEREAS**, Council policy is that material agreements and other documents requiring formal Council approval should be approved by resolution; and

**WHEREAS**, attached hereto as Exhibit A is the Second Amendment to the Wildwing Amended Subdivision Improvements Agreement ("Agreement").

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO as follows:**

**Section 1. Repeal**

The Town Council hereby approves the Agreement and authorizes its execution by the Mayor, Manager, or other person authorized by Council adopted resolution or the Charter to sign Agreements or Documents.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, ON AUGUST 28, 2012,

TOWN OF TIMNATH, COLORADO

  
\_\_\_\_\_  
Jill Grossman-Belisle, Mayor

ATTEST:

  
\_\_\_\_\_  
Milissa Peters, Town Clerk



**FIRST AMENDMENT TO AMENDED AND RESTATED  
SUBDIVISION IMPROVEMENT AGREEMENT  
FOR THE WILD WING 1ST FILING SUBDIVISION**

This FIRST AMENDMENT TO AMENDED AND RESTATED SUBDIVISION IMPROVEMENT AGREEMENT FOR THE WILD WING 1ST FILING SUBDIVISION (the "First Amendment") is made and entered into as of the 21st day of June, 2012, by and between the TOWN OF TIMNATH, a Colorado municipal corporation (the "Town"); and WW Development, LLC, a Colorado limited liability company (the "Developer"). Collectively, the Town and the Developer shall be referred to herein as (the "Parties").

**RECITALS**

WHEREAS, on March 15, 2012, the Town and the Developer entered into that certain Amended and Restated Subdivision Improvement Agreement for the Wildwing 1<sup>st</sup> Filing Subdivision (the "Agreement"); and

WHEREAS, the District and Developer desire to extend the deadline for completion of the Phase 1 Landscape Improvements; and

NOW THEREFORE, in consideration of the mutual covenants and promises expressed herein, the Parties hereby agree as follows:

**COVENANTS AND AGREEMENTS**

1. The deadline for completion of the Phase 1 Landscape Improvements contained in Paragraph 5(c) of the Agreement is hereby extended from July 1, 2012, to September 1, 2012.
2. All other provisions of the Agreement are to remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment to Amended and Restated Subdivision Improvement Agreement for the Wildwing 1<sup>st</sup> Filing Subdivision effective as the date first referenced above.

**TOWN**

TOWN OF TIMNATH, COLORADO,  
a municipal corporation of the State of Colorado

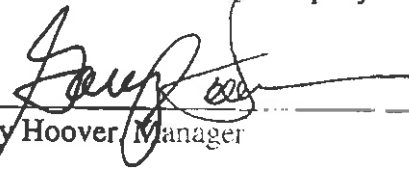
ATTEST:

By: Milissa Peters  
Milissa Peters, Town Clerk

BY: Jill Grossman Belisle  
Jill Grossman Belisle, Mayor

**DEVELOPER**

WW Development, LLC,  
a Colorado limited liability company

BY:   
Gary Hoover, Manager

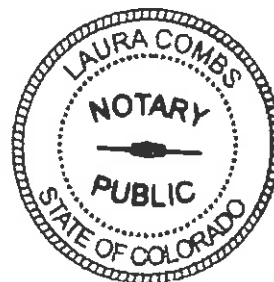
STATE OF COLORADO    )  
  )ss.  
COUNTY OF LARIMER    )

Subscribed and sworn to before me this 21 day of June, 2012 by  
Gary Hoover, as Manager of Wild Wing Holdings, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires:  
6/3/2015

  
Notary Public



**SECOND AMENDMENT TO AMENDED AND RESTATED  
SUBDIVISION IMPROVEMENT AGREEMENT  
FOR THE WILD WING 1ST FILING SUBDIVISION**

This SECOND AMENDMENT TO AMENDED AND RESTATED SUBDIVISION IMPROVEMENT AGREEMENT FOR THE WILD WING 1ST FILING SUBDIVISION (the "Second Amendment") is made and entered into as of the 28th day of August, 2012, by and between the TOWN OF TIMNATH, a Colorado municipal corporation (the "Town"); and WW Development, LLC, a Colorado limited liability company (the "Developer"). Collectively, the Town and the Developer shall be referred to herein as (the "Parties").

**RECITALS**

WHEREAS, on March 15, 2012, the Town and the Developer entered into that certain Amended and Restated Subdivision Improvement Agreement for the Wildwing 1<sup>st</sup> Filing Subdivision, as amended by that certain first amendment thereto, dated June 21, 2012, (collectively, the "Agreement"); and

WHEREAS, the District and Developer desire to extend the deadline for completion of the Phase 1 Landscape Improvements; and

NOW THEREFORE, in consideration of the mutual covenants and promises expressed herein, the Parties hereby agree as follows:

**COVENANTS AND AGREEMENTS**

1. The deadline for completion of the Phase 1 Landscape Improvements contained in Paragraph 5(c) of the Agreement is hereby extended from September 1, 2012, to October 15, 2012.
2. All other provisions of the Agreement are to remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this Second Amendment to Amended and Restated Subdivision Improvement Agreement for the Wildwing 1<sup>st</sup> Filing Subdivision effective as the date first referenced above.

**TOWN**

TOWN OF TIMNATH, COLORADO,  
a municipal corporation of the State of Colorado

ATTEST:

By:   
Milissa Peters, Town Clerk

By:   
Jill Grossman Belisle, Mayor

**DEVELOPER**

WW Development, LLC,  
a Colorado limited liability company

By: *Gary Hoover*  
Gary Hoover, Manager

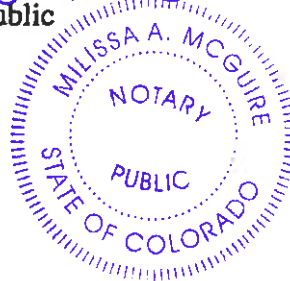
STATE OF COLORADO    )  
  )ss.  
COUNTY OF LARIMER    )

Subscribed and sworn to before me this 29 day of August, 2012, by  
Gary Hoover, as Manager of WW Development, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires:  
8-8-16

*Melissa A. McGuire*  
Notary Public



WILDWING



1218 West Ash Street, Suite A  
Windsor, CO 80550

August 16, 2012

Mr. Matthew Blakely  
Interim Town Planner  
Town of Timnath, CO 80547

Dear, Matthew,


WW Development, LLC hereby requests that the town council extend the completion date for landscape improvements in Phase I of Wild Wing to October 15, 2012.

Please note that great progress has been made regarding completion of the required improvements of the first phase. The punch list for all other public improvements within the development is complete, the entry signs are built, the non-potable pump is installed as is the majority of the irrigation system for all of the greenbelts, park and lots.

Initially we were delayed due to changes in the irrigation system design and parts availability. We are now being advised to delay some of the landscape planting until daily temperatures recede. We plan on aggressive installation beginning in September.

Thank you for your consideration in this matter.

Respectfully Submitted,

  
Gary Hoover  
Manager