

### **AGREEMENT AMENDMENT #1**

This Agreement Amendment (Agreement) is entered into this 8 day of May, 2024 by and between the City of Steamboat Springs (City), a Colorado home rule municipality, and 2400 SKI TRAIL LANE, LP, a Texas limited partnership ("2400 Ski Trail") (Developer), collectively referred to as the "parties".

### **RECITALS**

WHEREAS, that certain agreement dated April 21, 2020 (Original Improvements Agreement) and by this reference made a part hereof, was entered into between the City and Developer to construct the required WATER SERVICE, SANITARY SEWER SERVICE, STORM SEWER AND OTHER GENERAL IMPROVEMENTS on Lot 11A and Lot 11B, a Replat of Lot 11, Block 2, Ski Trail Subdivision, Filing 3; and

WHEREAS, Section 16 of the Original Improvements Agreement indicates that the agreement runs with the land, and is binding on and inures to the benefit of the heirs, representatives, transferees, successors and assigns of the parties; and

WHEREAS, 2400 Ski Trail purchased property included in the Original Improvements Agreement and assumes all rights, duties, and obligations of the Developer named in the Original Improvements Agreement; and

WHEREAS, the parties desire to amend the Original Improvements Agreement to allow the development to separate the required critical improvements for Lot 11A and Lot 11B.

NOW, THEREFORE IN CONSIDERATION of the promises and covenants herein contained, the parties hereto mutually agree as follows:

1. Paragraph 1 of the Original Improvements Agreement is hereby amended to include the following language: Developer may construct the improvements in two phases, one phase for Lot 11A and one phase for Lot 11B.
2. Improvements for Lot 11A are those listed in Exhibit B.
3. Improvements for Lot 11B are those listed in the Original Improvements Agreement, Exhibit A, less the improvements identified in Exhibit B.
4. Exhibit B is attached hereto and by this reference made a part of the Original Improvements Agreement.
5. Paragraph 4 of the Original Improvements Agreement is hereby amended to include the following language: The date for completion of the Improvements is hereby extended to June 1, 2026. The City will allow a Certificate of Occupancy to be issued for each phase of development (either Lot 11A or Lot 11B) after the improvements for that phase have been completed.
6. It is expressly agreed by the parties that this Agreement is supplemental to the Original Improvements Agreement dated April 21, 2020 and the Agreement shall in no way act as a waiver of any of the conditions and obligations imposed on the Developer and its successors and assigns by the Original Improvements Agreement, and any rights that either of the parties may have by virtue of such Original Improvements Agreement shall remain binding without modification or amendment.

RECEPTION#: 852990  
05/10/2024 at 09:15:42 AM, Pg 1 of 3  
R: \$23.00, D: \$0.00  
Jenny Thomas, Routt County, CO

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives and made effective on the day and time first above written.

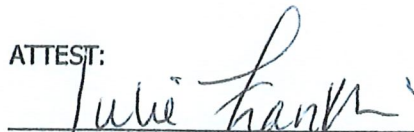
CITY OF STEAMBOAT SPRINGS

BY:



Gary Suiter, City Manager

ATTEST:

  
Julie Franklin, City Clerk

STATE OF COLORADO )

COUNTY OF ROUTT )

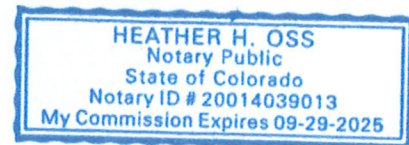
SS)



Subscribed, sworn to and acknowledged before me this 7 day of May, 2024, by Gary Suiter, as City Manager of the City of Steamboat Springs and Julie Franklin, as City Clerk of the City of Steamboat Springs.

WITNESS my hand and official seal.

  
Notary Public



My Commission Expires: 9-29-2024

2400 SKI TRAIL LANE, LP

By:   
Steve Rumsey  
Authorized Signatory

STATE OF Texas )

COUNTY OF Denton )

Subscribed, sworn to and acknowledged before me this 6<sup>th</sup> day of May,  
2024 by Steve Rumsey as Authorized Signatory of and on behalf of 2400 SKI TRAIL LANE, LP.,  
a Texas limited partnership.

WITNESS my hand and official seal.

  
Notary Public

My Commission Expires: 10/28/24

