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**FIRST AMENDMENT TO
CRYSTAL VALLEY RANCH FILING NO. 2
SUBDIVISION IMPROVEMENTS AGREEMENT**

OFFICIAL RECORDS
DOUGLAS COUNTY CO
CAROLE R. MURRAY
CLERK & RECORDER
RECORDING FEE: \$41.00
8 PGS

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04/19/2004 01:54 PM

DATE: April 16, 2004.

PARTIES: **TOWN OF CASTLE ROCK**, a Colorado municipal corporation (Town),
100 Wilcox Street, Castle Rock, Colorado 80104.

CRYSTAL VALLEY RANCH DEVELOPMENT CO., L.L.C., a
Colorado limited liability company, 823 S. Perry Street, Castle Rock,
Colorado, 80104 and **MELODY HOMES, INC.**, a Delaware
corporation (Subdivider).

MORTGAGEES: **Wells Fargo Bank, NA**
Maple Grove Land Limited Partnership, et al.

RECITALS:

A. Subdivider and Town are parties to the Crystal Valley Ranch Filing No. 2 Subdivision Improvements Agreement dated October 8, 2003, recorded October 17, 2003 at Reception No. 2003151874 in the Douglas County public records (SIA).

B. The parties desire to amend the SIA to incorporate language to limit the number of building permits issued in Crystal Valley Ranch PD, (excluding Crystal Valley Ranch Filing No. 1) until certain improvements to the Lake Gulch Road/Crystal Valley Parkway intersection are completed and accepted by Douglas County pursuant to the terms of the access permit issued by Douglas County.

D. Mortgagees are parties to this Agreement solely for the purpose of subordinating their liens and interest in the Property to the terms and conditions of this Agreement.

COVENANTS:

NOW, THEREFORE, in consideration of these mutual promises, the parties agree and covenant as follows:

Section 1. Amendment. Section 1 of the SIA is amended to incorporate the following defined terms:

Filing 1: the Crystal Valley Ranch Filing No. 1 subdivision.

Restricted Area: the development areas subject to the Development Agreement, excluding those areas within Filing 1.

Section 2. Amendment. The SIA is amended to include a new Section 20 to read as follows:

Section 20. Lake Gulch Intersection Improvements. Prior to issuance of the 131st building permit within the Restricted Area, Subdivider shall substantially complete construction of the improvements to the intersection of Lake Gulch Road and Crystal Valley Parkway in accordance with the terms and conditions of the access permit issued by Douglas County for access onto Lake Gulch Road (Lake Gulch Intersection Improvements). The Lake Gulch Intersection Improvements shall be constructed within 90 days of the issuance of the 130th building permit within the Restricted Area, or such earlier date if the traffic counts dictate the need for these improvements. No additional building permits shall be issued within the Restricted Area until such time as the Lake Gulch Intersection Improvements have been completed and accepted by Douglas County.

The Lake Gulch Intersection Improvements are defined as follows:

- 1) Eastbound Crystal Valley Parkway, left turn lane onto northbound Lake Gulch Road.
- 2) Northbound Lake Gulch Road acceleration lane from left turn off of eastbound Crystal Valley Parkway.
- 3) Southbound Lake Gulch Road, right turn deceleration lane onto westbound Crystal Valley Parkway.
- 4) Northbound Lake Gulch Road, left turn lane onto westbound Crystal Valley Parkway.

In no manner does this First Amendment restrict development or building approvals within Filing 1, nor are building permits issued in Filing 1 to be considered in the calculation of the building permit limit imposed by this First Amendment.

Section 3. Ratification. In all other respects, the SIA shall remain in force and effect. The addition of Section 20 shall supercede and control over any conflicting provisions in the SIA.

SUBDIVIDER:

CRYSTAL VALLEY RANCH DEVELOPMENT CO., LLC,
a Colorado limited liability company.

By: *James L. Ostenson*

Its: *Manager*

STATE OF *Minnesota*, ss.
COUNTY OF *Hennepin*

The foregoing instrument was acknowledged before me this *12* day of *February*, *2004* by *James L. Ostenson* *Manager* for Crystal Valley Ranch Development Co., LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: *January 31, 2005*

Michelle Maria
Notary Public



