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October 7, 2020

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VIA E-MAIL – KLC@HPWCLAW.COM

Kendra L. Carberry
Hoffman Parker Wilson & Carberry
511 16th Street, Suite 610
Denver, CO 80202

Re: Bridgewater - P.U.D. Overlay Map, Amendment No. 5

Dear Ms. Carberry:

This firm represents Daybreak Recovery Acquisition LLC (“Daybreak”) in connection with its land use and development activities in the Town of Erie, Colorado (the “Town”). As you know, on September 2, 2020, the Town’s Planning Commission recommended approval of an application for the above-referenced matter (the “Amendment”) to the Town Board (the “Board”) by a vote of 6 to 1. Following the Planning Commission’s recommendation, on September 22, 2020, the Board considered the Amendment, and after much discussion, Daybreak decided to withdraw the Amendment rather than risk a denial, which appeared to be imminent.

After some internal deliberation, Daybreak would like the Board to reconsider its decision to withdraw the Amendment. Instead, Daybreak wishes to modify the Amendment in accordance with the Board’s discussion, and then bring the revised Amendment back before the Board for consideration, as if the matter were merely continued pending revision of the Amendment. Daybreak believes the revisions to the Amendment will not sufficiently alter the Amendment such that Staff and the Planning Commission must again review it prior to Board action. We understand that should this procedure be acceptable to you and your client, Daybreak must again provide the required public notice for the Board hearing, and the Board will again hear public testimony related to the revised Amendment. If the Board ultimately denies the revised Amendment, Daybreak will not cite the procedure set forth in this letter as the grounds to appeal the Board’s decision under C.R.C.P. 106(a)(4).

Please let me know if this course of action is acceptable and if you have any other questions or comments.

Very truly yours,



Jim Johnson
For the Firm

JTJ/cc

cc: Jerry Richmond (via email: jrichmond@raintree.us.com)