

**Town of Erie**  
**Resolution No. \_\_\_\_-2020**

**A Resolution of the Board of Trustees of the Town of Erie  
Approving the Second Amendment to the Birdhouse Development  
Agreement**

**Whereas**, on December 10, 2019, the Town and RTR Birdhouse Holdings LLC ("Developer") entered into a Development Agreement regarding the development of the property at 526 Briggs Street, Erie, Colorado; and

**Whereas**, on June 17, 2020, the Parties entered into the First Amendment to the Agreement (the "First Amendment"); and

**Whereas**, the Town and Developer wish to amend the Development Agreement again to allow the Town to file a junior deed of trust against the property in lieu of a letter of credit to secure completion of certain public improvements.

**Now Therefore be it Resolved by the Board of Trustees of the Town of Erie, Colorado, that:**

**Section 1.** The Second Amendment to Birdhouse Development Agreement is hereby approved in substantially the form attached hereto, subject to final approval by the Town Attorney. Upon such approval, the Mayor is authorized to execute the Second Amendment on behalf of the Town.

**Adopted this 27<sup>th</sup> day of October, 2020.**

\_\_\_\_\_  
Jennifer Carroll, Mayor

**Attest:**

\_\_\_\_\_  
Heidi Leatherwood, Town Clerk