

RESOLUTION NO. 17-_____
Series of 2017

A RESOLUTION BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO REPEALING RESOLUTION NO. 16-184; ACCEPTING THE SPECIAL WARRANTY DEED OF ROADWAY RIGHT-OF-WAY PROPERTY FROM DAYBREAK RECOVERY ACQUISITION LLC; AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Board of Trustees of the Town of Erie previously approved Resolution 16-184, Series of 2016, authorizing the Town to accept a General Warranty Deed of roadway right-of-way property at the intersection of Weld County Road 3 and Weld County Road 10 from Daybreak Recovery Acquisition LLC (the “First Deed”); and

WHEREAS, subsequent to such approval by the Town of Erie, the deed was revised to a Special Warranty Deed (the “Revised Deed”), necessitating a new review and approval of the Revised Deed by the Town Board of Trustees; and

WHEREAS, the Town Board of Trustees of the Town of Erie now desires to repeal Resolution 16-184, Series of 2016 which approved the First Deed, and approve the acceptance of the Revised Deed of roadway right-of-way property at the intersection of Weld County Road 3 and Weld County Road 10 from Daybreak Recovery Acquisition LLC (the “Roadway Property”); and

WHEREAS, the Board of Trustees of the Town of Erie believes it is in the best interest of the Town and its citizens to accept the Revised Deed of the Roadway Property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, AS FOLLOWS:

Section 1. That the Town of Erie be and is hereby authorized and directed to accept the Special Warranty Deed of Roadway Property from Daybreak Recovery Acquisition LLC, as more particularly described on the Special Warranty Deed attached hereto, incorporated herein by this reference and marked Exhibit “A,” and the appropriate Town officers are hereby authorized and directed to sign and accept the Special Warranty Deed.

Section 2. That acceptance of the Special Warranty Deed of Roadway Property is found to be in the best interest of the Town of Erie, and necessary for the preservation of the public health and safety.

**ADOPTED AND APPROVED THIS ___ DAY OF _____, 2017, BY
THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO.**

TOWN OF ERIE,
a Colorado municipal corporation

By: _____
Tina Harris, Mayor

ATTEST:

By: _____
Nancy Parker, Town Clerk

EXHIBIT A

AFTER RECORDING RETURN TO:

MARK R. SHAPIRO, P.C.
1650 – 38TH STREET, SUITE 103
BOULDER, COLORADO 80301
ATTN: MARK R. SHAPIRO, ESQ.

SPECIAL WARRANTY DEED

This **SPECIAL WARRANTY DEED**, made this ___ day of _____, 2016, between **DAYBREAK RECOVERY ACQUISITION LLC**, a Delaware limited liability company, whose legal address is 1251 Avenue of the Americas, 50th Floor, New York, New York 10020 (“**Grantor**”), and the **TOWN OF ERIE**, a Colorado municipal corporation, whose legal address is P.O. Box 8, Erie, Colorado 80516, of the Counties of Boulder and Weld, State of Colorado (“**Grantor**”).

Grantor, for the consideration of ten dollars and other good and valuable consideration, grants, sells and conveys to Grantee, its successors and assigns, the real property located in Weld County, Colorado, described in the attached *Exhibit A* (the “**Property**”), and warrants the title to the Property for the benefit of Grantee against all persons claiming under Grantor, subject to all matters of record, existing leases and tenancies and all matters which would be disclosed in an accurate survey or by physical inspection of the Property.

[Signature Page Follows]

GRANTOR:

DAYBREAK RECOVERY ACQUISITION, LLC

a Delaware limited liability company

By: _____

Name: _____

Its: _____

STATE OF)
) **ss.**
COUNTY OF)

The foregoing instrument was acknowledged before me this ____ day of _____, 201__, by _____ as _____ for Daybreak Recovery Acquisition, LLC, a Delaware limited liability company.

Witness my official hand and seal.
My commission expires: _____.

(SEAL)

Notary Public

EXHIBIT A

Legal Description

