

**Town of Erie
Resolution No. 26-026**

A Resolution of the Town Council of the Town of Erie Approving the Amendment and Partial Termination of Improvements Acquisition, Water System and Operations Agreement; of Agreement to Proceed; and of Common Interest and Confidentiality Agreement

Whereas, on September 25, 2020, the Parties entered into that Improvements Acquisition, Water System and Operations Agreement (“Agreement”), as amended in that First Amendment dated March 9, 2021, that Second Amendment dated February 11, 2022, and that Third Amendment dated March 17, 2022;

Whereas, in July 2023 the Parties entered into that Common Interest and Confidentiality Agreement (“Confidentiality Agreement”); and

Whereas, the Town has determined that certain aspects of the Project are not feasible for the purposes described in the Agreement and the Agreement to Proceed, and the Parties therefore desire to terminate portions of the Agreement and Agreement to Proceed.

Now Therefore be it Resolved by the Town Council of the Town of Erie, Colorado that:

Section 1. The Amendment and Partial Termination of Improvements Acquisition, Water System and Operations Agreement; of Agreement to Proceed; and of Common Interest and Confidentiality Agreement by and between the Town and the Shores at Plum Creek Metropolitan District No. 1, 35 Acre, LLC, KOKALOA, LLC and 833, LLC is hereby approved in substantially the form attached hereto, subject to final approval of the Town Attorney. Upon such approval, the Mayor is authorized to execute the Agreement on behalf of the Town.

Adopted this 24th day of February, 2026.

Andrew J. Moore, Mayor

Attest:

Debbie Stamp, Town Clerk