

First Amendment to Andalusia Annexation Agreement

This First Amendment to Andalusia Annexation Agreement (the "First Amendment") is made and entered into this ____ day of _____, 2021 (the "Effective Date"), by and between the Town of Erie, a Colorado municipal corporation with an address of P.O. Box 750, Erie, CO 80516 (the "Town"), and ME Erie, LLC, a Colorado limited liability company with a principal place of business at 7353 South Alton Way, Suite A-100, Centennial, CO 80112 ("Owner") (each a "Party" and collectively the "Parties")

Whereas, on February 11, 2014, the Town and I & J Partnership, L.P., the Saeed & Forough Moradi Family Trust, K.A.C. Holdings, LLC, the Mike & Shahla Moradi Trust, the Katina Moradi Trust, the Albert Moradi Trust, and the Caroline Moradi Trust (collectively, the "Prior Owner") entered into an Andalusia Annexation Agreement (the "Annexation Agreement");

Whereas, on August 25, 2020, Owner purchased the property subject to the Annexation Agreement and is the successor in interest to the Prior Owner;

Whereas, pursuant to Section XI.C.1 of the Annexation Agreement, the Owner is limited to providing no more than one (1) housing type and two (2) housing type variations; and

Whereas, the Parties desire to remove Section XI.C.1 of the Annexation Agreement.

Now, therefore, in consideration of the mutual covenants and promises expressed herein, the Parties hereby agree as follows:

1. Amendment to Annexation Agreement. Section XI.C.1 of the Annexation Agreement is hereby deleted in its entirety.

2. Prior Provisions Effective. Except as expressly modified by this First Amendment, all other provisions of the Annexation Agreement shall remain in full force and effect.

In Witness Whereof, the Parties have executed this First Amendment as of the Effective Date.

Town of Erie, Colorado

Jennifer Carroll, Mayor

Attest:

Heidi Leatherwood, Town Clerk

Owner ME ERIE LLC

By:

[Signature]

STATE OF COLORADO)
) ss.
COUNTY OF Colorado)

The foregoing instrument was subscribed, sworn to, and acknowledged before me this 25th day of June, 2021, by Chris Elliott as the Manager of ME Erie, LLC.

My commission expires: Oct 12, 2022

(S E A L)

[Signature]
Notary Public

