

RESOLUTION NO. 17-_____
Series of 2017

A RESOLUTION AUTHORIZING THE TOWN OF ERIE, COLORADO, TO ENTER INTO A THIRD AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH THE TOWN OF ERIE URBAN RENEWAL AUTHORITY AND EVERGREEN-287 & ARAPAHOE, LLC; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN SAID THIRD AMENDMENT; AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Town of Erie, Colorado, the Town of Erie Urban Renewal Authority and Evergreen-287 & Arapahoe, LLC previously entered into a Disposition and Development Agreement, dated March 22, 2016 ("DDA"); and

WHEREAS, the Town of Erie Urban Renewal Authority, the Town of Erie, Colorado, and Evergreen-287 & Arapahoe, LLC previously entered into a First Amendment to the Disposition and Development Agreement, on December 13, 2016; and

WHEREAS, the Town of Erie Urban Renewal Authority, the Town of Erie, Colorado, and Evergreen-287 & Arapahoe, LLC previously entered into a Second Amendment to the Disposition and Development Agreement, on May 9, 2017; and

WHEREAS, the Board of Trustees of the Town of Erie believes it is in the best interest of the Town to now amend the DDA.

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

Section 1. That the Third Amendment to the Disposition and Development Agreement by and among the Town of Erie, the Town of Erie Urban Renewal Authority and Evergreen-287 & Arapahoe, LLC (the "First Amendment"), a copy of which is attached hereto and incorporated herein by reference, is found to be a reasonable, acceptable and necessary amendment to the DDA.

Section 2. That the Town of Erie be and is hereby authorized and directed to enter into the Third Amendment, and the appropriate Town officers are hereby authorized and directed to sign and bind the Town of Erie to said Second Amendment.

Section 3. That entering into the Third Amendment 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 12TH DAY OF DECEMBER, 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, CMC, Town Clerk

EXHIBIT A