

Fourth Amendment to Development Agreement
(Erie Commons Filing No. 4)

This Fourth Amendment to Development Agreement (the "Fourth 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 645 Holbrook Street, Erie, CO 80165 (the "Town"), and Community Development Group of Erie, Inc., a Colorado corporation with an address of 2500 Arapahoe, Suite 220, Boulder, CO 80302 ("Developer") (each a "Party" and collectively the "Parties").

Whereas, on August 3, 2006, the Town and Developer entered into the Erie Commons Filing 4 Development Agreement, recorded at Reception No. 3413826 (the "Agreement");

Whereas, on September 12, 2006, the Agreement was assigned to Shea Homes Limited Partnership, but that assignment was terminated when Shea Homes Limited Partnership failed to purchase the Property;

Whereas, on February 13, 2007, Developer entered into the First Amendment to the Erie Commons Filing 4 Development Agreement, recorded at Reception No. 3722545;

Whereas, on September 28, 2010, Developer entered into the Second Amendment to the Erie Commons Filing 4 Development Agreement, recorded at Reception No. 3722551;

Whereas, on March 26, 2019, Developer entered into the Third Amendment to the Erie Commons Filing No. 4 Development Agreement, recorded at Reception No. 4482084;

Whereas, Developer has submitted an application for the Erie Commons Filing No. 4, 4th Amendment Final Plat (the "Final Plat"); and

Whereas, the Parties wish to amend the Agreement by the addition of a new Section XIII to address the Final Plat.

Now Therefore, in consideration of the promises and the mutual covenants herein contained, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. The Agreement is hereby amended by the addition of a new Section XIII, to read as follows:

XIII. Special Provisions Applicable To The Erie Commons Filing No. 4 4th Amendment Final Plat

In addition to all other obligations in this Agreement, the Erie Commons Filing No. 4, 4th Amendment Final Plat shall be subject to the following special provisions:

A. Public Improvements and Common Facilities. The Public Improvements and Common Facilities associated with the Final Plat are set forth in **Exhibit B-4**, attached hereto and incorporated herein by this reference.

B. Irrigation Service.

1. The irrigation service for the Public Improvements and Common Facilities associated with the Final Plat shall be served by water shares dedicated by Developer in the Water Resources Agreement- Amendment No. 1, dated May 24, 2011 by and among the Town, Developer, and Erie Commons Metropolitan District No. 1 and recorded with the Weld County Clerk and Recorder at Reception No. 3780864.

2. If it is determined that Developer does not have sufficient remaining shares available to serve the Public Improvements and Common Facilities associated with the Final Plat, Developer shall connect to the Town's potable water system or the Town's re-use water system.

3. If Developer utilizes the Town's re-use water system for irrigation purposes, Developer shall be subject to all applicable laws and regulations, including without limitation Colorado Department of Public Health and Environment permitting and reporting requirements.

4. Developer shall pay all associated tap and water dedication fees for all permanently irrigated tracts and rights-of-way prior to the installation of landscaping in said tracts and rights-of-way.

5. Landscape Plans and Irrigation Plans, as defined in the Town's Standards and Specifications for Design and Construction of Public Improvements, shall be provided to the Town for review and acceptance prior to Initial Acceptance to reflect the source of irrigation service.

2. Developer or its assignee shall provide to the Town the performance guarantee required by the Agreement and the Erie Municipal Code within 60 days of the Effective Date. If such performance guarantee is not provided within such time, this Fourth Amendment shall automatically expire without further action of the Parties.

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

Town of Erie, Colorado

Jennifer Carroll, Mayor

Attest:

Heidi Leatherwood, Town Clerk

Developer

By: _____



State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was subscribed, sworn to, and acknowledged before me this 12th day of May, 2021, by Jon Lee as the Authorized Rep. of Community Development Group of Erie, Inc.

My commission expires:

(Seal)



Notary Public

REAN J ROBL
NOTARY PUBLIC - STATE OF COLORADO
Notary ID 19944018487
My Commission Expires 12/7/2024

Exhibit B-4 Improvements

EXHIBIT B - OPINION OF PROBABLE COST FOR PUBLIC IMPROVEMENTS
ERIE COMMONS FILING 4 4TH AMENDMENT
April 29, 2021

ITEM	NO. OF UNITS	UNIT COST	TOTAL COST
WATER			
1 6" Water Line	48 L.F.	\$ 22	\$ 1,056
2 8" Water Line	255 L.F.	\$ 30	\$ 7,650
3 12" Water Line	1,296 L.F.	\$ 42	\$ 54,432
4 1.5" Water Service	5 Ea.	\$ 2,000	\$ 10,000
5 3/4" Water Service	1 Ea.	\$ 1,600	\$ 1,600
6 4" Fire Service w/Valve	3 Ea.	\$ 2,500	\$ 7,500
7 12" Water Line Lowering	5 Ea.	\$ 2,500	\$ 12,500
8 12" 45° Bends	2 Ea.	\$ 620	\$ 1,240
9 12" x 12" Tees	1 Ea.	\$ 950	\$ 950
10 12" x 6" Tees	4 Ea.	\$ 700	\$ 2,800
11 12" x 8" Tees	4 Ea.	\$ 750	\$ 3,000
12 12" x 8" Cross	1 Ea.	\$ 2,500	\$ 2,500
13 8" x 6" Reducer	1 Ea.	\$ 500	\$ 500
14 6" Valves	5 Ea.	\$ 1,200	\$ 6,000
15 8" Valves	5 Ea.	\$ 2,000	\$ 10,000
16 12" Valves	11 Ea.	\$ 2,800	\$ 30,800
17 8" Water Line Plug	5 Ea.	\$ 300	\$ 1,500
18 Fire Hydrants	5 Ea.	\$ 4,500	\$ 22,500
19 Connect to Ex. W/L Stub	1 Ea.	\$ 3,500	\$ 3,500
	Subtotal	\$	180,028
SANITARY SEWER			
1 8" Sewer Main w/ Solid Underdrain	1,674 L.F.	\$ 40	\$ 66,960
2 Sanitary Sewer Manholes	13 Ea.	\$ 3,500	\$ 45,500
3 8" Sanitary Plug	5 Ea.	\$ 1,600	\$ 8,000
4 Connect to Ex. Sanitary Stub	1 Ea.	\$ 3,500	\$ 3,500
5 4" Sanitary Service	5 Ea.	\$ 1,600	\$ 8,000
	Subtotal	\$	131,960
STORM SYSTEM			
1 15" RCP	55 L.F.	\$	\$ -
1 18" RCP	914 L.F.	\$ 50	\$ 45,700
2 24" RCP	178 L.F.	\$ 72	\$ 12,816
3 36" RCP	33 L.F.	\$ 107	\$ 3,531
4 15" RCP Plug	2 Ea.	\$ 1,500	\$ 3,000
5 18" RCP plug	3 Ea.	\$ 1,500	\$ 4,500
5 24" Flared End Section	1 Ea.	\$ 1,000	\$ 1,000
5 36" Flared End Section	1 Ea.	\$ 1,000	\$ 1,000
5 5' Type 'R' Inlets	2 Ea.	\$ 6,500	\$ 13,000
5 10' Type 'R' Inlets	1 Ea.	\$ 8,200	\$ 8,200
6 Type 13 Inlet	1 Ea.	\$ 2,500	\$ 2,500
7 4' Manholes	3 Ea.	\$ 1,296	\$ 3,888
8 5' Manholes	2 Ea.	\$ 2,800	\$ 5,600
9 RipRap	29 C.Y.	\$ 85	\$ 2,465
10 Swale	273 L.F.	\$ 15	\$ 4,095
	Subtotal	\$	111,295
STREETS (Ambrose St. & Milan Pl.) & TRAILS			
1 Vertical Curb w/curb drain	2,835 L.F.	\$ 23	\$ 65,205
2 Handicap Ramps	22 Ea.	\$ 1,500	\$ 33,000
3 8' Walk	230 L.F.	\$ 40	\$ 9,200
4 5' Walk	82 L.F.	\$ 25	\$ 2,050
5 11.5' Attached Walk	1,635 L.F.	\$ 57.5	\$ 94,013
6 Crossspan	4,730 S.F.	\$ 12	\$ 56,760
7 Asphalt	5,612 S.Y.	\$ 40	\$ 224,480
8 Subgrade Preparation	5,612 S.Y.	\$ 1.5	\$ 8,418
9 Signing & Striping	1 L.S.	\$ 10,000	\$ 10,000
10 Street Lights	5 Ea.	\$ 4,500	\$ 22,500
	Subtotal	\$	525,626
	Subtotal	\$	948,909
LANDSCAPE			
1 Erie Pkwy Shrubs, GC and Irrigation Repair	80,319 S.F.	\$ 0.50	\$ 40,160
2 Erie Pkwy Ornamental Trees	8 Ea.	\$ 450	\$ 3,600
3 Erie Pkwy Trees	3 Ea.	\$ 600	\$ 1,800
4 Erie Pkwy Evergreen Trees	6 Ea.	\$ 800	\$ 4,800
5 Powers St Shrubs, GC and Irrigation Repair	27,600 S.F.	\$ 0.50	\$ 13,800
6 Powers St Shrubs	22 Ea.	\$ 50	\$ 1,100
7 Powers St Sod	150 S.F.	\$ 0.65	\$ 98
8 Briggs Street Trees	3 Ea.	\$ 600	\$ 1,800
9 Briggs Street Shrubs, Perennials, Orn. Grasses	29 Ea.	\$ 20	\$ 580
10 Briggs Street Mulch	211 S.F.	\$ 1	\$ 211
11 Briggs Street Sod	774 S.F.	\$ 0.65	\$ 503
12 Milan Place Trees	8 Ea.	\$ 600	\$ 4,800
13 Milan Place Tree Grates	8 Ea.	\$ 1,000	\$ 8,000
14 Ambrose Street Trees	26 Ea.	\$ 600	\$ 15,600
15 Ambrose Street Ornamental Trees	3 Ea.	\$ 450	\$ 1,350
16 Ambrose Tree Grates	29 Ea.	\$ 1,000	\$ 29,000
17 Irrigation	1 L.S.	\$ 35,000	\$ 35,000
	Subtotal	\$	162,201
	TOTAL	\$	1,111,110