

**First Amendment to Development Agreement**  
**(Westerly Filing No. 1)**

This First Amendment to Development Agreement (the "Amendment") is made and entered into this 21<sup>st</sup> day of December, 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 Erie Land Company, LLC, a Delaware limited liability company, with an address of 1225 17<sup>th</sup> Street, Suite 2420, Denver, CO 80202 ("Developer") (each a "Party" and collectively the "Parties").

Whereas, on January 27, 2021, Developer and the Town entered into a Development Agreement (the "Agreement") for Westerly Filing No. 1 ("Filing 1"), which Agreement was recorded on January 28, 2021, under Reception No. 4676400 in the real estate records of the Weld County Clerk and Recorder;

Whereas, Developer filed an application for approval of the Westerly Filing No. 1, Amendment No. 1 Final Plat (the "Filing 1, Amendment 1 Final Plat"), which Filing 1, Amendment 1 Final Plat resubdivides a portion of Filing 1;

Whereas, in connection with the approval of the Filing 1, Amendment 1 Final Plat, the Parties wish to revise a portion of Exhibit C to the Agreement to reflect the updated Lot and Tract counts and configurations as established by the Filing 1, Amendment 1 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. Definition of "Final Plat." All references in the Agreement to the "Final Plat" are hereby amended to mean Filing 1 as resubdivided, in part, by the Filing 1, Amendment 1 Final Plat.
2. Exhibit C – Phasing Plan. Exhibit C to the Agreement is hereby amended with respect to Filing 1, Amendment 1 as shown in Exhibit C-1 attached hereto and incorporated herein by this reference. Except as revised by Exhibit C-1 attached hereto, the phasing for the Final Plat shall be in accordance with Exhibit C to the Agreement.
3. Open Space and Park Land Dedication. All references in the Agreement to "Tract W" Future Open Space are hereby amended to mean "Tract B" Future Open Space as resubdivided by the Filing 1, Amendment 1 Final Plat.
4. Conflict; Ratification. In the case of any conflict between the terms of the Agreement and this Amendment, the provisions of this Amendment shall control. Except as the Agreement is specifically amended by this Amendment, the Agreement remains unmodified and in full force and effect and the Parties hereby ratify and reaffirm the terms of the Agreement, as amended by this Amendment.

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

**Town of Erie, Colorado**

*Jennifer Carroll*

Jennifer Carroll, Mayor

Attest:

*Heidi Leatherwood*  
Heidi Leatherwood, Town Clerk

**Developer:**

**Erie Land Company, LLC, a  
Delaware limited liability company**

*David Bracht*  
Name: David Bracht  
Title: Vice President

State of Colorado Tennessee )  
County of Davidson ) ss.

The foregoing instrument was subscribed, sworn to, and acknowledged before me this 10 day of September, 2021, by David Bracht as the Vice President of Erie Land Company, LLC, a Delaware limited liability company.

My commission expires:

(Seal) **My Commission Expires May 20, 2024**

*Kelly L. Schooley*  
Notary Public



