

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 49 - SERIES 2024**

**A RESOLUTION AUTHORIZING THE MAYOR OF THE  
TOWN OF MINTURN TO SIGN A FIFTH AMENDMENT TO  
A SETTLEMENT AGREEMENT BETWEEN THE BATTLE  
MOUNTAIN ENTITIES AND THE TOWN OF MINTURN  
EXTENDING THE APPROVALS PERIOD AND  
SETTLEMENT AGREEMENT TERM.**

**WHEREAS**, on March 4, 2022, the Town of Minturn (“Town”) commenced litigation against the Battle Mountain Entities in a case known as *Town of Minturn v. Battle One Developer, LLLP et al.*, Eagle County District Court Case No. 2022CV30050 (the “Litigation”). In the Litigation, the Town alleges that Battle Mountain Entities have breached various agreements, and the Battle Mountain Entities have asserted counterclaims against the Town.

**WHEREAS**, pursuant to Resolution 25 – Series 2023, on September 6, 2023, the Minturn Town Council (“Town Council”) approved and authorized execution of that certain Settlement Agreement having an effective date of September 6, 2023 (the “Original Settlement Agreement”) by and among the Town and Battle Mountain Entities for the purposes of, among other things, providing a potential path to resolve the Litigation and providing a path forward for the Battle Mountain Entities to undertake a reduced amount of development on their property.

**WHEREAS**, Pursuant to Resolution 11 – Series 2024, on March 6, 2024, Town Council approved and authorized execution of that certain First Amendment to Settlement Agreement having an effective date of March 6, 2024. Pursuant to Resolution 30 – Series 2024, on June 19, 2024, Town Council approved and authorized execution of that certain Second Amendment to Settlement Agreement having an effective date of June 19, 2024 (the “**Second Amendment**,”). On July 17, 2024, Town Council approved and authorized execution of that certain Third Amendment to Settlement Agreement having an effective date of July 17, 2024 (the “**Third Amendment**,”). On August 7, 2024, Town Council approved and authorized execution of that certain Fourth Amendment to Settlement Agreement having an effective date of August 7, 2024 (the “**Fourth Amendment**,” and together with the Original Settlement Agreement, First Amendment, Second Amendment, and Third Amendment the “**Settlement Agreement**”) by and among the Parties.

**WHEREAS**, the Settlement Agreement’s Approvals Period expires on August 21, 2024 and the outside expiration date for the term set forth in Section 9 of the Settlement Agreement is August 30, 2024.

**WHEREAS**, the Town and Battle Mountain Entities seek to extend the Settlement Agreement’s Approvals Period and term to provide additional time to implement the Settlement.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE  
TOWN OF MINTURN, COLORADO:**

1. The Town Council approves the Fifth Amendment to Settlement Agreement attached as Exhibit A and authorizes the Mayor or his designee to sign on behalf of the Town any and all documents required to reasonably ensure completion.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 21st day of August, 2024.**

TOWN OF MINTURN, COLORADO

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Earle Bidez, Mayor

ATTEST:

By: 

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Jay Brunvand, Town Clerk

**Exhibit A**

**Fifth Amendment to Settlement Agreement**

*[to be inserted]*

