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DATE: August 20, 2024  
TO: Minturn Town Council  
FROM: Karp Neu Hanlon, P.C.  
RE: Battle Mountain Fifth Amendment of Settlement Agreement

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Unfortunately, we are going to need a Fifth Amendment to the Settlement Agreement. Staff has been working with our outside environmental attorney Polly Jessen to get closing documents in final order. In order to protect the Town from environmental liability requires careful drafting. The process of getting to the point where both sides agree to language in the closing document has proven longer than expected.

I am recommending that the Approvals Period be extended to September 18 (Second Council meeting). At either the September 2 or September 18 Council meetings the restrictive covenant and other closing documents will be placed on the Agenda for review and approval. The outside expiration date (Closing) will be extended to September 27 to give the parties time to mobilize for the Closing.