

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 48 – SERIES 2024**

**A RESOLUTION APPROVING A RESTRICTIVE
COVENANT, OPTION AGREEMENT(S) AND OTHER
CLOSING DOCUMENTS TO IMPLEMENT THE BATTLE
MOUNTAIN SETTLEMENT AGREEMENT**

WHEREAS, the Town of Minturn (“**Town**”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“**Town Council**”) is authorized to act; and

WHEREAS, the Town and Battle North and/or Battle North’s affiliates Battle One Developer, LLLP, a Georgia limited liability limited partnership, Battle Two Developer, LLLP, a Georgia limited liability limited partnership, Battle South, LLC, a Georgia limited liability company, and Battle One A Developer, LLC, a Georgia limited liability company (collectively, such affiliates together with Battle North and their respective successors and assigns, “**Battle Entities**”) reached an agreement to resolve Litigation between the parties and, pursuant to Resolution 25 – Series 2023, Town Council approved and authorized execution of that certain Settlement Agreement having an effective date of September 6, 2023 (as amended, “**Settlement Agreement**”); and

WHEREAS, the conditions to implement the Settlement Agreement have been completed and fulfilled; and

WHEREAS, the Settlement Agreement provides that various document will be executed and recorded at a Closing, including, but not limited to, a restrictive covenant on the Restricted Parcels, an option agreement(s), deeds conveying the Town Parcels to the Town, and a Recreational Easement on the Consolidated Tailings Pile and Maloit Park Wetlands parcels (the “**Closing Documents**”); and

WHEREAS, the parties have negotiated the form of various Closing documents attached as **Exhibits** to the Staff Memorandum for review and approval by the Council.

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

1. The foregoing recitals are hereby incorporated as if set forth in full.
2. The Minturn Town Council hereby approves the form of the Closing Documents attached as **Exhibits** to the Staff Memorandum subject to such non-substantive changes as the Town Attorney may make and authorizes the Mayor or his designee to execute the same.

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

TOWN OF MINTURN

By: _____
Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk