

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 40 - SERIES 2024**

**A RESOLUTION AUTHORIZING THE MAYOR OF THE
TOWN OF MINTURN TO SIGN A THIRD 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 and 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**,” and together with the Original Settlement Agreement and First Amendment, the “**Settlement Agreement**”) by and among the Town and Battle Mountain Entities for the purposes of extending the Approvals Period and the outside expiration date of the Settlement Agreement term.

WHEREAS, the Settlement Agreement’s Approvals Period expires on July 18, 2024 and the outside expiration date for the term set forth in Section 9 of the Settlement Agreement is August 22, 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 Third 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 17th day of July, 2024.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

Exhibit A

Third Amendment to Settlement Agreement

[to be inserted]