

**TOWN OF LYONS, COLORADO  
RESOLUTION 2022-36**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING A  
DEVELOPMENT PLAN AGREEMENT BETWEEN MOSS ROCK DEVELOPMENT,  
LLC AND THE TOWN OF LYONS, COLORADO**

**WHEREAS**, the Town of Lyons (the “Town”) has the authority to enter into contracts for any lawful municipal purpose pursuant to C.R.S. § 31-15-101; and

**WHEREAS**, Moss Rock Development, LLC (“Developer”) wishes to develop a hotel project on 343, 347, 349, and 355 Main Street, Lyons, Colorado (the “Project”); and

**WHEREAS**, pursuant to Section 16-17-30(b) of the Lyons Municipal Code (“LMC”), the Town may require that a developer requesting a development plan execute a development plan agreement; and

**WHEREAS**, the Developer submitted an application for Development Plan (“Application”) to the Town for approval in accordance with the procedure set forth in Article 17 of Chapter 16 of the LMC; and

**WHEREAS**, on January 24, 2022, the PCDC conducted a public hearing on the Application pursuant to LMC § 16-17-30(g), following the provision of lawfully required notice to the public; and

**WHEREAS**, the PCDC unanimously voted to recommend approval of the Application based on a review of the evidentiary record against the Review Criteria; and

**WHEREAS**, PCDC’s recommended approval of the application was conditioned upon execution of a Development Plan Agreement between the Developer and the Town; and

**WHEREAS**, on February 7, 2022, the Town of Lyons Board of Trustees (the “Board”) conducted a public hearing on the Application pursuant to LMC § 16-17-30(h), following the provision of lawfully required notice to the public; and

**WHEREAS**, the Board’s approval of the Application was conditioned upon the Developer negotiating and executing a development plan agreement with the Town; and

**WHEREAS**, Town Staff and the Developer have negotiated the Development Plan Agreement, attached hereto as **Exhibit A** and incorporated by reference; and

**WHEREAS**, the Development Plan Agreement creates obligations to develop necessary public improvements such as sewer, water, storm water, and electric infrastructure, landscaping, and addresses the respective responsibilities of the Town

and Developer at the various stages of development; and

**WHEREAS**, the Board desires to approve the Development Agreement in substantially the form as depicted in the attached **Exhibit A** thereby satisfying the Developer's obligation to execute a Development Plan Agreement.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO, THAT:**

Section 1. The above recitals are hereby incorporated by reference.

Section 2. The Board of Trustees hereby:

- a) Approves the Development Agreement, in substantially the form attached to this Resolution.
- b) Authorizes the Town Administrator in consultation with the Town Attorney to make non-substantial changes to the Development Agreement which do not increase the financial obligations of the Town.
- c) Authorizes the Mayor or Mayor Pro Tem to execute the Development Agreement and the Town Clerk to attest the Mayor's signature.
- d) Authorizes the Town Administrator to take all actions consistent with this resolution to ensure compliance of the Developer with the obligations of the Development Agreement.

Section 3. This Resolution shall become effective immediately upon adoption by the Board of Trustees.

**ADOPTED THIS 4<sup>TH</sup> DAY OF APRIL, 2022.**

**TOWN OF LYONS**

---

Nicholas Angelo, Mayor

ATTEST:

---

Dolores Vasquez

Town Clerk