

**TOWN OF LYONS, COLORADO
RESOLUTION 2024-72**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO
APPROVING A DEVELOPMENT PLAN AGREEMENT
WITH LYONS PROPERTIES, LLC (RIVERBEND) AT
501 W. MAIN STREET**

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, Lyons Properties, LLC ("Developer") desires to make site and structure improvements at 501 West Main Street, Lyons, Colorado (the "Project"); and

WHEREAS, the Town previously approved Ordinance 1163, approving the zoning overlay designation of PUD-C for the 501 West Main Street property known as the "Riverbend Property" contingent upon the final approval of a Development Plan and Agreement; and

WHEREAS, the Developer submitted an application for a 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, Lyons Municipal Code ("LMC") Section 16-17-10 *et seq.* splits the development review process into either "Minor" or "Major" Development Plan Review; and

WHEREAS, the Development Plan application which was submitted on June 27, 2024, was declared to be a Major Development Plan; and

WHEREAS, pursuant to LMC Section 16-17-20(f)(2) b 1., the Board of Trustees of the Town of Lyons (the "Board") may decide upon a recorded vote "that a proposed development should be subject to Minor Development Review instead of Major Development Review"; and

WHEREAS, due to the unique nature of the Riverbend Property application and the substantial review of the proposed redevelopment as part of the proceedings for Ordinance 1153, Town Staff has referred the application to the Board for consideration of whether it should be processed as a Minor Development Review instead of Major Development Review pursuant to LMC Section 16-17-20(f)(2) b 1; and

WHEREAS, at their regularly scheduled meeting on July 1, 2024, the BOT declared by Resolution 2024-53 that the Development Plan which was submitted would be reviewed under the Town's Minor Development Review Process per LMC Article 17, *Development Review Process*; and

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

WHEREAS, the Board desires to approve the Development Agreement in substantially the form depicted in the attached **Exhibit A** thereby satisfying the Developer's obligation to execute a Development 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 that do not increase the town's financial obligations.

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 the Developer's compliance with the obligations of the Development Agreement.

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

ADOPTED THIS 3RD DAY OF SEPTEMBER 2024.

TOWN OF LYONS

Hollie Rogin, Mayor

ATTEST:

Dolores Vasquez, Town Clerk