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**TOWN OF LYONS, COLORADO
RESOLUTION NO. 1997-44**

**A RESOLUTION APPROVING AN AMENDMENT TO THE SUBDIVISION
IMPROVEMENT AGREEMENT FOR LYONS VALLEY PARK FILING NO. 5**

WHEREAS, the Town of Lyons has the authority to enter into contracts; and

WHEREAS, the Town previously approved a subdivision improvement agreement for
Lyons Valley Park Filling No. 5; and

WHEREAS, the Town desires to amend such agreement at the request of the
owner/developer.

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

Section 1. The Town Board of Trustees hereby approves the attached Amendment to
the Subdivision Improvement Agreement for Lyons Valley Park Filing No. 5.

Section 2. The Mayor is hereby authorized to execute the Amendment.

ADOPTED THIS 21ST DAY OF JULY, 1997.

TOWN OF LYONS, COLORADO

By: Glenn Klepel
Glenn Klepel, Mayor

ATTEST:

Teresa G. Andrews
Teresa G. Andrews, Town Clerk/Treasurer

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TOWN OF LYONS**FIRST AMENDMENT OF THE SUBDIVISION IMPROVEMENT AGREEMENT
FOR LYONS VALLEY PARK FILING NO. 5 SUBDIVISION**

THIS FIRST AMENDMENT OF THE SUBDIVISION IMPROVEMENT AGREEMENT FOR LYONS VALLEY PARK FILING NO. 5 ("First Amendment") is entered into and made between **LYONS VALLEY PARK, INC.**, whose address is c/o Keith Bell, President, 1728 16th Street, #1, Boulder, Colorado 80302, hereinafter referred to as the "Owner/Developer," and the **TOWN OF LYONS, COLORADO**, a Colorado municipal corporation whose address is 432 Fifth Avenue, Lyons, Colorado 80540, hereinafter referred to as the "Town" or "Lyons." The Owner/Developer and the Town shall collectively be referred to as the "Parties." This Amendment shall be effective following execution by the Owner/Developer and immediately upon the date of recordation of this Amendment with the office of the clerk and recorder for Boulder County, Colorado.

Except as otherwise expressly stated herein, nothing in this Amendment is intended to supersede, modify, alter, delete, or otherwise amend any provision, obligation, or requirement of the "Subdivision Agreement for Lyons Valley Park Filing No. 1 and Subdivision Agreement Relating to Subdivider's Obligations in the Lyons Valley Park Subdivision" (hereinafter "Original SIA") recorded at Reception No. 00804403 on ~~December~~ ^{November} 12, 1986, in the records of the clerk and recorder for Boulder County, Colorado, or the Subdivision Improvement Agreement for Lyons Valley Park Filing No. 5 approved by the Board of Trustees for the Town of Lyons by Resolution No. 1997-36 on June 16, 1997, which is recorded in the records of the clerk and recorder for Boulder County, Colorado.

RECITALS AND REPRESENTATIONS:

WHEREAS, the Town Board of Trustees approved a Subdivision Improvement Agreement for Lyons Valley Park Filing No. 5 ("Filing No. 5 SIA") on June 16, 1997, by adoption of Resolution 1997-36.

WHEREAS, the Town and the Owner/Developer desire to amend the Filing No. 5 SIA to permit the Owner/Developer a reasonable opportunity to obtain the required shares of CBT water required by the Filing No. 5 SIA.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and agreements of the Parties, the sufficiency and adequacy of which are hereby acknowledged by the Parties, the Parties hereto agree as follows:

1.0 Paragraph 3.2 of the Filing No. 5 SIA is hereby amended to read as follows:

3.2 Water rights dedication to the Town required by this section 3.0 and its subparagraphs shall be made within ninety (90) days of the date of recordation of the Final Plat with the clerk and recorder for Boulder County, Colorado. No certificates of occupancy shall be issued for any lot within LVP Filing No. 5 until such dedication of water rights to the Town is completed.

DATED THIS 21st DAY OF July, 1997.

TOWN OF LYONS, a Colorado
municipal corporation

Glenn Klepel
Glenn Klepel, Mayor

ATTEST:

Teresa G. Andrews
Teresa G. Andrews, Town Clerk/Treasurer

Walter Keys
Secretary

OWNER/DEVELOPER
LYONS VALLEY PARK, INC.

Keith Bell
By: Keith Bell, President

STATE OF COLORADO)
COUNTY OF Boulder) ss.

Acknowledged before me this 29 day of July, 1997, by
Keith Bell, President of Lyons Valley Park, Inc.

Shirley Johnson
Notary

My Commission Expires: 9-10-2000

