

**TOWN OF LYONS, COLORADO
RESOLUTION 2024-88**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO, APPROVING THE
FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT
WITH LYONS PROPERTIES, LLC.**

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, Town Staff and the Developer have negotiated the Development Agreement; and

WHEREAS, the Town previously approved Resolution 2024-72, approving the Development Agreement for 501 West Main Street property known as the "Riverbend Property;" and

WHEREAS, the Developer is proposing amended language for the Approved Development Agreement, attached hereto as **Exhibit A** and incorporated by reference (the "First Amendment"); and

WHEREAS, the First Amendment limited to Section 2.2.a.x. related to the use of non-amplified instruments; and

WHEREAS, the Town of Lyons Board of Trustees (the "Board") desires to approve the First Amendment in substantially the form depicted in the attached **Exhibit A**.

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 First Amendment 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 First Amendment 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 7th DAY OF OCTOBER 2024.

TOWN OF LYONS

Hollie Rogin, Mayor

ATTEST:

Dolores Vasquez, CMC - Town Clerk