

**TOWN OF LYONS,
COLORADO**

ORDINANCE NO. 1015

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF
THE TOWN OF LYONS APPROVING AN ANNEXATION
AGREEMENT WITH PLANET BLUEGRASS ANNEX, LLC**

WHEREAS, Planet Bluegrass Annex, LLC, a Colorado limited liability company (the "Owner"), owns certain property commonly referred to as the Planet Bluegrass Farm property (the "Property"), which Property has been annexed to the Town of Lyons by Ordinance No. 1014, subject to approval by the registered electors of the Town of Lyons; and

WHEREAS, the Town and the Owner have negotiated the terms of an annexation agreement, a copy of which is on file with the Town Clerk's Office, 432 5th Street, Lyons, Colorado, and which agreement has been executed by an authorized signatory of the Owner (the "Annexation Agreement"); and

WHEREAS, the Board of Trustees finds that it is in the best interests of the Town to approve the Annexation Agreement.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF LYONS, COLORADO, as follows:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Annexation Agreement Approved. The Board of Trustees hereby approves the Annexation Agreement between the Town and Planet Bluegrass Annex, LLC, a copy of which is on file with the Town Clerk's office, and authorizes the Mayor to execute the Annexation Agreement on behalf of the Town.

Section 3. Direction to Town Staff. The Board of Trustees hereby directs Staff to complete all necessary procedures necessary for the effectiveness of the Annexation Agreement including: (1) recording a fully executed copy of the Annexation Agreement in the real property records of Boulder County, Colorado following the Effective Date of the annexation of the Property to the Town of Lyons; and (2) filing the Annexation Agreement of record with the Town Clerk of the Town of Lyons, Colorado. The Annexation Agreement shall not be recorded unless and until a majority of the registered electors of the Town voting at the special mail ballot election have approved the annexation of the Property to the Town.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Repeal. Any and all ordinances, resolutions, or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance, resolution, or code or part thereof shall not revive any other section or part of any ordinance, resolution, or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

Section 6. Effective Date. Pursuant to C.R.S. § 31-11-111(2) and Section 15-1-340 of the Lyons Municipal Code, the Board of Trustees has submitted Ordinance No. 1014 (the "Annexation Ordinance") to a vote of the registered electors of the Town of Lyons. The effective date of this Ordinance shall be stayed and this Ordinance shall only be effective upon the final approval of the Annexation Ordinance by a majority of the registered electors of the Town voting at the special mail ballot election ("Effective Date").

INTRODUCED AND PASSED ON FIRST READING THIS 1ST DAY OF MAY, 2017.

INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS ____ DAY OF MAY, 2017.

TOWN OF LYONS, COLORADO

ATTEST:

Connie Sullivan, Mayor

Debra K. Anthony, Town Clerk