

**TOWN OF LYONS, COLORADO  
RESOLUTION NO. 2017- 42**

**A RESOLUTION CONSENTING TO THE PARTIAL ASSIGNMENT OF THE  
SUBDIVISION IMPROVEMENT AGREEMENT FOR THE 2<sup>ND</sup> & PARK SUBDIVISION  
AND PLANNED UNIT DEVELOPMENT – FINAL PLAT**

WHEREAS, the Town of Lyons and Downtown Lyons Development, LLC, (“Developer”) entered into that certain Subdivision Improvements Agreement for the 2ND & Park Subdivision and Planned Unit Development – Final Plat dated November 9, 2016 (the “SIA”); and

WHEREAS, the SIA was recorded in the real property records of Boulder County, Colorado on November 10, 2016 under Reception No. 03556392; and

WHEREAS, the SIA sets forth certain obligations of the Developer to complete public improvements associated with the 2<sup>nd</sup> & Park Subdivision and Planned Unit Development (the “PUD”); and

WHEREAS, the PUD pertains to the development of LOTS 1 – 7, 2ND & PARK SUBDIVISION AND PUD FINAL PLAT, TOWN OF LYONS, COUNTY OF BOULDER, the plat of which was recorded in the real property records of Boulder County, Colorado on November 10, 2016 at Reception No. 03556394 (the “Subject Property”); and

WHEREAS, LOT 1 of the Subject Property (the “Commercial Lot”) is currently owned by the Developer; and

WHEREAS, LOTS 2 – 7 of the Subject Property (the “Residential Lots”) are currently owned by Habitat for Humanity of the St. Vrain Valley, Inc. (“HFHSV”); and

WHEREAS, Developer desires to partially assign the SIA to HFHSV; and

WHEREAS, Section XVI.B. of the SIA sets forth that the SIA may not be assigned without the written consent of the Town and that no assignment of the SIA shall be effective unless and until approved by Resolution of the Board of Trustees; and

WHEREAS, the purpose of this Resolution is to memorialize the Town’s consent to the partial assignment of the SIA to HFHSV.

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

Section 1. That the foregoing recitals and findings are incorporated herein as findings and conclusions of the Board of Trustees.

Section 2. The Board of Trustees hereby approves the form of partial assignment and assumption of the SIA, in substantially the form attached hereto as **Exhibit 1** (the "Partial Assignment"), and authorizes the Mayor to execute the Partial Assignment on behalf of the Town following the review and approval of the form of Partial Assignment by the Town Attorney.

Section 3. This Resolution shall be effective immediately upon approval by the Board of Trustees.

ADOPTED THIS 1<sup>st</sup> DAY OF MAY, 2017.

**TOWN OF LYONS, COLORADO**

By: \_\_\_\_\_  
Connie Sullivan, Mayor

ATTEST:

\_\_\_\_\_  
Deb Anthony, Town Clerk

## **Exhibit 1**

**(Partial Assignment and Assumption Agreement)**