

**TOWN OF LYONS, COLORADO
RESOLUTION 2020-66**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING A
DEVELOPMENT PLAN AGREEMENT BETWEEN LYONS VALLEY TOWNHOMES,
LP AND THE TOWN OF LYONS BY APPROVING A SECOND AMENDMENT TO THE
SUBDIVISION IMPROVEMENT AGREEMENT FOR LYONS VALLEY PARK FILING 8**

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 Valley Townhomes, LP (“Developer”) wishes to develop an affordable housing project on Lyons Valley Park Filing 8 (the “Project”); and

WHEREAS, pursuant to Section 16-70-30(b) of the Lyons Municipal Code (“LMC”), the Town may require that a developer requesting a development plan execute a development plan agreement; and

WHEREAS, the Developer submitted an application for 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, on March 10, 2020, the PCDC conducted a public hearing on the Application pursuant to LMC § 16-17-30(g), following the provision of lawfully required notice to the public; and

WHEREAS, the PCDC unanimously voted to approve the Application based on a review of the evidentiary record against the Review Criteria; and

WHEREAS, PCDC’s approval of the application was conditioned upon execution of a Development Plan Agreement between the Developer and the Town; and

WHEREAS, the Town of Lyons Board of Trustees previously approved a subdivision improvement agreement dated December 15, 2008, attached hereto as **Exhibit B** and incorporated herein (“Filing No. 8 SIA”) at the time of approval of the final plat for Filing No. 8 of Lyons Valley Park, and that an Amendment to the Filing No. 8 SIA dated December 7, 2015, attached hereto as **Exhibit C** and incorporated herein (“First Amendment”); and

WHEREAS, the Developer is purchasing the majority of Filing 8 as part of the Project; and

WHEREAS, in lieu of a sperate Development Agreement, the Town and the Developer have negotiated a Second Amendment to the Filing No. 8 SIA (“Second Amendment”), attached hereto as **Exhibit A** and incorporated by reference; and

WHEREAS, the Second Amendment creates the Development Plan obligations to develop necessary public improvements such as sewer, water, storm water, and electric infrastructure, secure necessary easements, and addresses the respective responsibilities of the Town and Developer at the various stages of development; and

WHEREAS, the Town consents to the assignment of the rights, duties, obligations., responsibilities, and benefits of Filing No. 8 SIA, as modified by the Second Amendment by approving this Resolution approving the Second Amendment; and

WHEREAS, the Town's Board of Trustees desires to approve the Second Amendment thereby satisfying the Developer's obligation to execute a Development Plan 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 Second Amendment with the Developer, 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 Second Amendment which do not increase the financial obligations of the Town.
- c) Authorizes the Mayor or Mayor Pro Tem to execute the 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 compliance of the Developer with the obligations of the Second Amendment.

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

ADOPTED THIS 13TH DAY OF APRIL, 2020.

TOWN OF LYONS

Connie Sullivan, Mayor

ATTEST:

Dolores Vasquez
Town Clerk