

**TOWN OF LYONS, COLORADO
RESOLUTION 2021-113**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING
A MUTUAL RELEASE AND SETTLEMENT AGREEMENT BETWEEN THE
TOWN OF LYONS, COLORADO AND DENNIS P. CALLAHAN**

WHEREAS, the Town of Lyons (the "Town") filed complaint against Dennis P. Callahan ("Callahan") to enforce violations of the Lyons Municipal Code ("LMC") regarding modifications made to the property at 435 Park Street Lyons, Colorado 80548 ("Complaint"); and

WHEREAS, the Complaint alleges eight civil, municipal violations of the LMC with regard to the property. Specifically, the Town of Lyons' Complaint against Callahan alleges the following Code Violations asserted under LMC, Section Nos. 18-4-10, 16-3-150, 16-17-50 and 18-13-90 for failure to obtain proper permits for improvements, and an additional Code Violation asserted for a set-back violation under LMC, Section No. 16-3-150; and

WHEREAS, the Town and Callahan have agreed to settle and resolve all claims arising out of or relating to the Complaint including but not limited to all claims and allegations asserted by the Town of Lyons against Callahan with respect to the property at 435 Park Street Lyons, Colorado 80540; and

WHEREAS, the Town Attorney has prepared a Mutual Release and Settlement Agreement which is acceptable to resolve the issues alleged in the Town's Complaint; and

WHEREAS, the Town of Lyons Board of Trustees ("the Board") desires to approve the Mutual Release and Settlement Agreement.

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

Section 1. The above recitals are hereby incorporated by reference.

Section 2. The Board hereby:

- (a) Approves the Mutual Release and Settlement Agreement as presented to the Board.
- (b) Authorizes the Mayor or Mayor Pro Tem to execute the complete Mutual Release and Settlement Agreement on behalf of the Town and the Town Clerk to attest such signature.

Section 3. This Resolution shall take effect immediately upon adoption.

ADOPTED this 1st day of November 2021.

TOWN OF LYONS

By: _____
Nicholas Angelo, Mayor

ATTEST:

Dolores M. Vasquez, CMC, Town Clerk