

Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: IX. 4.
Meeting Date: 1/18/2022

TO: Mayor Angelo and Members of the Board of Trustees
FROM: Philip Strom, Interim Town Planner
ITEM: 2nd Reading – Ordinance 1116 – an Ordinance of the Town of Lyons, Colorado Amending a Contract to Buy and Sell Real Estate with Lyons Ute Hwy, LLC

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

I. REQUEST OR ISSUE:

Mr. Tamburello requests amending the Contract to Buy and Sell Real Estate (Contract) to remove Section 30.9 that requires Lyons Ute Hwy, LLC to submit an application for a Planned Unit Development (PUD) District at the 4651 & 4652 Ute Highway properties by February 28th, 2022.

II. RECOMMENDED ACTION / NEXT STEP:

Host the public hearing and consider Approval of an Amendment to Section 30.9 of the agreement to remove the deadline requiring Lyons Ute Hwy, LLC to submit an application for a PUD District at the 4651 & 4652 Ute Highway properties and consider approval on 2nd Reading.

III. FISCAL IMPACTS:

No immediate fiscal impacts to the town.

IV. BACKGROUND INFORMATION:

On February 28th, 2020 the Town of Lyons sold the property 4651 & 4652 Ute Highway to Paul Tamburello (succeeded by Lyons Ute Hwy, LLC). The Contract included an additional provision requiring Lyons Ute Hwy, LLC to complete a zoning amendment application for PUD District at the property within one year from the date of closing or pay a penalty fee of \$100,000.

In January 2020 the Town extended that deadline to two years from the date of closing to February 28th, 2022 due to significant delays in the property development from the difficulties created by the COVID-19 public health crisis.

On December 6th, 2021 the Mr. Tamburello attended the Board of Trustees Meeting with a Discussion item to request the remove the deadline and Section 30.9 from the Contract and the Board agreed to move forward with the 1st Reading of an Ordinance to amend the Contract. The 1st Reading was held on 12/20/2021.

- V. **LEGAL ISSUES:** The Town Attorney has reviewed the ordinance and contract.
- VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:**
None known.
- VII. **SUMMARY AND ALTERNATIVES:**
1. Approve the Amendment to the Contract to remove the PUD District zoning application deadline and consider approval on 2nd Reading.
 2. Maintain the Contract and PUD District zoning application deadline.
- VIII. **PROPOSED MOTION:**
“I move to approve Ordinance 1116, an Ordinance of the Town of Lyons, Colorado approving an amendment to a contract to buy and sell real estate with Lyons Ute Hwy, LLC for Lot 1, Railroad Subdivision”
- IX. **ATTACHMENTS:**
1. Ordinance 1116 - an Ordinance of the Town of Lyons, Colorado approving an amendment to a contract to buy and sell real estate with Lyons Ute Hwy, LLC for Lot 1, Railroad Subdivision
 2. Agreement to Amend Extend Contract (Deletion of Section 30.9)