

**Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: XII. 1
Meeting Date: 17 Jan 2022**

TO: Mayor Angelo and Members of the Board of Trustees
FROM: Aaron Caplan, Director of Utilities & Engineering
DATE: 11 Jan 2022
ITEM: Res 2022-08 Bradford Homestead Covenant and Agreement 3rd Amendment

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

- I. **REQUEST OR ISSUE:** Approve the proposed Amendment to the Bradford Homestead Covenant and Agreement between Jim and Kathy Carroll and the Town of Lyons with regard to constructing a solar and battery storage facility in a portion of Bohn Park.
- II. **RECOMMENDED ACTION / NEXT STEPS:** Approve the resolution
- III. **FISCAL IMPACTS:** There will be an \$88 fee to record the amendment with Boulder County. If changes to the agreement are proposed there will be additional legal fees for the Carroll's to have their attorney review the changes if they are open to the changes requested.
- IV. **BACKGROUND INFORMATION:** The proposed amendment was negotiated with the Carroll's. The Utility and Engineering Board reviewed and was OK with the amendment from a technical requirements perspective for the solar facility.
- V. **LEGAL ISSUES:** The amendment does update a covenant and agreement with regard to the use allowed in Bohn Park.
- VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** N/A
- VII. **SUMMARY AND ALTERNATIVES:** The Trustees can request propose changes to the amendment that can be presented to the Carroll's. The Carroll's can then decide if they are OK with the changes proposed and submit to their attorney for review and come back with their own changes. The Trustees can approve the resolution thereby approving the amendment as it is written. The Trustees can deny the resolution in which case the covenant and agreement with the Carrolls would not allow a solar facility to built in Bohn Park also known as Lot 1 in the agreement.
- VIII. **PROPOSED MOTION:** "I move to approve Resolution 2022-08."