

**TOWN OF LYONS
COLORADO**

ORDINANCE NO. 2022-1118

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO AMENDING AN
ANNEXATION AGREEMENT WITH PLANET BLUEGRASS FARM, LLC FOR THE
PLANET BLUEGRASS FARM PROPERTY**

WHEREAS, Planet Bluegrass Farm, LLC, a Colorado limited liability company (the “Owner”), owns a property commonly referred to as the Planet Bluegrass Farm property (the “Property”); and

WHEREAS, the Owner is the successor in interest to Planet Bluegrass Annex, LLC; and

WHEREAS, the Property has been annexed into the Town of Lyons (the “Town”) pursuant to Ordinance No. 1014, which was approved by the registered electors of the Town; and

WHEREAS, pursuant to Lyons Municipal Code (“LMC”) § 15-1-160, the Town is required to present an Annexation agreement to a petitioner for annexation outlining the responsibilities of the petitioner and the Town regarding the provision and extension of streets and utilities, the dedication of water rights and the applicability of Town regulations; and

WHEREAS, also pursuant to LMC § 15-160, the annexation agreement must be executed by the petitioner and the Town not less than two (2) weeks before the date of the public hearing on the annexation; and

WHEREAS, the Town and the Owner negotiated an annexation agreement for the Property (the “Annexation Agreement”) which was approved executed by the Town and Owner and approved via Ordinance 1015; and

WHEREAS, the Owner has submitted an application requesting certain changes to the Annexation Agreement as well as the Site Plan and Keynotes and Amendable Letter of Understanding (“ALU”) which are attachments to the Annexation Agreement; and

WHEREAS, the changes to the Annexation Agreement have been proposed in a redline of the Annexation Agreement approved by Ordinance 1015 (the “Amendment”), attached hereto as **Exhibit A**, and incorporated by reference, and a clean copy accepting all changes as **Exhibit B** also attached hereto and incorporated by reference; and

WHEREAS, amendments to the Site Plan and Keynotes and ALU must be approved via separate approval processes before the Town; and

WHEREAS, the Town of Lyons Board of Trustees finds it is in the best interest of the Town to approve the Amendment as substantially reflected in **Exhibit A**.

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

Section 1. Recitals Incorporated. The recitals set forth above are hereby incorporated by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Annexation Agreement Amendments Approved. The Board of Trustees hereby:

- a. Approves the Amendments to the amendment to the Annexation Agreement in substantially the form of the attached **Exhibit A**.
- b. Authorizes the Mayor, or Mayor Pro Tem in their Absence, to execute the Amendment and Town Clerk to attest to their signature
- c. Authorizes the Town Administrator, in consultation with the Town Attorney and the Mayor to make corrections and other non-material changes in the Amendment which do not increase the financial obligations of the Town.

Section 3. Direction to Town Staff. The Board of Trustees hereby directs Staff to Complete all necessary procedures necessary for the effectiveness of the amendment including:

- a. Recording a copy of the fully executed Amendment in the real property records of Boulder County Colorado.
- b. Carrying out the provisions of the Amendment, as applicable.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Repeal. All other ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this Ordinance are hereby repealed, provided that such repeal shall not repeal any repealer clauses in such ordinances nor revive any ordinance thereby.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS ____ DAY OF _____, 2022.

INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS ____ DAY OF _____, 2022.

TOWN OF LYONS, COLORADO

Nicholas Angelo, Mayor

ATTEST:

Dolores Vasquez, Town Clerk

EXHIBITS:

Exhibit A: Annexation Agreement Amendment - Redline

Exhibit B: Annexation Agreement Amendment - Clean