

**TOWN OF LYONS, COLORADO  
RESOLUTION 2022-21**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING THE  
FOURTH AMENDMENT TO THE AMENDABLE LETTER OF UNDERSTANDING  
(PBG FARM PROPERTY)**

**WHEREAS**, Planet Bluegrass Annex, LLC (“Planet Bluegrass”) and the Town of Lyons the (the “Town”) are parties to that certain Amendable Letter of Understanding (PBG Farm Property) (“Amendable Letter”); and

**WHEREAS**, the Amendable Letter is a requirement of the Town’s CE-1 zone district;

**WHEREAS**, the Property is zoned CE-1; and

**WHEREAS**, Section R. of the Keynotes to Conceptual Plan for Planet Bluegrass Farm Annexation (the “Keynotes”) states, in relevant part, that “[a]n amendment . . . of the Amendable Letter of Understanding . . . may be processed and approved by the Board of Trustees in the same manner as approval of contracts and other agreements by the Town (by adoption of a resolution adopted at a publicly noticed meeting)”; and

**WHEREAS**, the Amendable Letter has been previously amended three times; and

**WHEREAS**, Planet Bluegrass has filed applications requesting amendments to the Annexation Agreement, Site Plan and Related Keynotes, and the Amendable letter for the Farm Property; and

**WHEREAS**, the changes requested by Planet Bluegrass are substantially reflected in Amendable Letter, attached hereto as **Exhibit A** and incorporated by reference; and

**WHEREAS**, the Town of Lyons Board of Trustees desires to approve The Fourth Amendment to Amendable Letter of Understanding (“The Fourth Amendment”) in substantially the form attached hereto as **Exhibit A**.

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

Section 1. The Town Board of Trustees hereby adopts the recitals set forth above as findings of the Board.

Section 2. The Board of Trustees hereby:

- (a) Approves the Fourth Amendment in substantially the form attached hereto as **Exhibit A**.
- (b) Authorizes the Town Attorney and the Mayor to make such changes as may be required to the extent they do not materially increase the obligations of the Town.
- (c) Authorizes the Mayor to execute the Fourth Amendment when in final form on behalf of the Town.

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

**ADOPTED THIS 23<sup>rd</sup> DAY OF FEBRUARY, 2022**

TOWN OF LYONS, COLORADO

Nicholas Angelo, Mayor

Dolores Vasquez, Town Clerk