

**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 23rd DAY OF FEBRUARY, 2022

TOWN OF LYONS, COLORADO

Nicholas Angelo, Mayor

Dolores Vasquez, Town Clerk