

**TOWN OF LYONS, COLORADO
RESOLUTION 2022-26**

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

WHEREAS, Planet Bluegrass (“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, an Amendable Letter is a requirement of the Town’s CE-1 zone district;

WHEREAS, the Planet Bluegrass Ranch (the “Property”) is zoned CE-1; and

WHEREAS, Section O. of the Keynotes to Site for Planet Bluegrass 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)”;

WHEREAS, the Amendable Letter has been previously amended one time; and

WHEREAS, Planet Bluegrass has filed applications requesting amendments to the Site Plan and Related Keynotes and the Amendable Letter for the Ranch 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 Second Amendment to Amendable Letter of Understanding (“The Second Amendment”) in substantially the form attached hereto as **Exhibit A** in compliance with the Settlement Agreement.

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 Second 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 Second Amendment when in final form on behalf of the Town.

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

ADOPTED THIS _____ DAY OF MARCH 2022

TOWN OF LYONS, COLORADO

Nicholas Angelo, Mayor

Dolores M. Vasquez, CMC
Town Clerk