

**TOWN OF LYONS, COLORADO
RESOLUTION 2023-16**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO
APPROVING AN ACCESS AND UTILITY EASEMENT AGREEMENT
WITH 2157 APPLE VALLEY ROAD**

WHEREAS, the Town of Lyons (the “Town”) has the authority to enter into contracts for any lawful municipal purpose pursuant to C.R.S. § 31-15-101 *et seq.*; and

WHEREAS, the Town is selling the property at 2157 Apple Valley Road to Ernest G. Sparks and Kathryn J. Sparks (the “Grantors”); and

WHEREAS, the Town will require an Access and Utility Easement Agreement between the Parties for access and maintenance of Town Utilities; and

WHEREAS, the Town and the Grantors desire to cooperate and foster a positive working relationship that will enhance the health, safety and welfare of the residents of the Town by providing said easement; and

WHEREAS, all Parties desire to enter into an Access and Utility Easement Agreement in order to better document the rights and responsibilities of each party with regard to the responsibilities of all parties concerned once the sale of the property at 2157 Apple Valley Road has closed; and

WHEREAS, the Lyons Board of Trustees desires to approve the Access and Utility Easement Agreement (the “Agreement”) in substantially the form attached hereto as Exhibit 1 and incorporated by reference, and further desires to authorize the Mayor or Mayor Pro Tem to execute the Agreement.

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

Section 1. The above recitals are hereby incorporated by reference.

Section 2. The Board of Trustees hereby:

- (1) Approves the Access and Utility Easement Agreement at 2157 Apple Valley Road between the Grantors and the Town in substantially the form attached hereto as **Exhibit 1**;
- (2) Authorizes the Town Administrator, in consultation with the Town Attorney, to negotiate and make such changes to the Agreement, as may be required to the extent they do not materially increase the obligations of the Town;
- (3) Authorizes the Mayor or Mayor Pro Tem and the Town Administrator to execute such Agreement; and
- (4) Authorizes Town Staff to take all actions necessary to implement the Agreement.

(5) The Agreement will be effective upon closing of the sale of 2157 Apple Valley Road.

Section 3. This resolution shall become effective immediately upon adoption by the Board of Trustees.

ADOPTED THIS 20th DAY OF MARCH 2023.

TOWN OF LYONS, COLORADO

By: _____
Hollie Rogin, Mayor

ATTEST:

By: _____
Dolores M. Vasquez, CMC - Town Clerk

EXHIBIT 1