

**TOWN OF LYONS, COLORADO
RESOLUTION 2023-13**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING A
TEMPORARY CONSTRUCTION ACCESS EASEMENT AND GRADING AGREEMENT
WITH LYONS VALLEY TOWNHOMES LP**

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; and

WHEREAS, Lyons Valley Townhomes LP is constructing 40 units of affordable housing in Lyons; and

WHEREAS, the Town owns the parcel of Land to the South of a number of the lots being developed by Lyons Valley Townhomes; and

WHEREAS, Lyons Valley Townhomes would like to grade a portion of the properties at a 2 to 1 slope to provide for safety; and

WHEREAS, grading to the desired slope would require construction equipment and materials work from the Town owned parcel to the South of the Lyons Valley Townhome properties; and

WHEREAS, it would be in the best interest of the Town and Lyons Valley Townhomes to continue the desired grading onto the Town owned parcel from 1 to 25 feet with 25 feet being the maximum distance into Town property to be graded; and

WHEREAS, the Town Board of Trustees desires to approve the Temporary Construction Access Easement and Grading Agreement in substantially the form attached hereto as **Exhibit 1** for the not-to-exceed amount of **ONE DOLLAR AND ZERO CENTS (\$1.00)**.

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:

- (a) Approves the Temporary Construction Access Easement and Grading Agreement.
- (b) Approves the Agreement for a total amount of **ONE DOLLAR AND ZERO CENTS (\$1.00)** in substantially the form attached hereto as **Exhibit 1**.
- (c) Authorizes the Town Administrator and the Town Attorney, in consultation with the Mayor, to make such changes as may be necessary to correct any non-material errors or language in the Agreement that does not increase the obligations of the Town.
- (d) Authorizes the Mayor or Mayor Pro Term to execute the Agreement on behalf of

the Town.

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

ADOPTED THIS 3rd DAY OF APRIL 2023.

TOWN OF LYONS

BY:

Hollie Rogin, Mayor

ATTEST:

Dolores M. Vasquez, CMC, Town Clerk

Exhibit 1

Temporary Construction Access Easement and Grading Agreement