

**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 3<sup>rd</sup> 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**