

**TOWN OF LYONS,
COLORADO**

ORDINANCE NO. 1149

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO ANNEXING CERTAIN REAL
PROPERTY OWNED BY THE TOWN OF LYONS (109 COUNTY ROAD 69)**

WHEREAS, pursuant to C.R.S. § 13-15-103 the Town has the authority to create and publish ordinances; and

WHEREAS, pursuant to C.R.S. § 31-12-106(3), which provides that a municipality may annex by ordinance municipally-owned real property without notice and hearing upon a determination that the property is eligible for annexation under Section 30(1)(c) of Article II of the Colorado Constitution and applicable provisions of the Municipal Annexation Act of 1965, Part 1 of Article 12 of Title 31, C.R.S.; and

WHEREAS, the Town has undergone the necessary annexation application procedures as described in Division 2 of Article 1 of Chapter 15 of the Lyons Municipal Code ("LMC"); and

WHEREAS, the application for annexation meets the Annexation review criteria of LMC §15-1-310; and

WHEREAS, the parcel is a Boulder County Deed Restricted Buy Out Property, now owned by the Town of Lyons; and

WHEREAS, the proposed intended land use for the property will be Parks and Open Space; and

WHEREAS, 109 County Road 69 comports with the 2023 Comprehensive Plan's Policy LU-1.3 regarding annexations, as well as the 2023 Comprehensive Plan's Pages 64, Three-Mile Plan concept, and Pages 110, Circulation and Access Considerations; and

WHEREAS, by resolution 2023-03 on June 12, 2023, the Planning and Community Development Commission of the Town of Lyons unanimously approved the recommendation of this annexation to the Board; and

WHEREAS, The Board has conducted a public hearing to consider evidence and testimony thus providing adequate opportunity for interested Lyons and area residents to be heard; and

WHEREAS, the Town of Lyons Board of Trustees finds it is in the best interest of the Town to approve the annexation of Town-owned property as reflected in the application packet and as described below.

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

Section 1. Recitals Incorporated. The recitals set forth above are hereby incorporated by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Legality. The Board of Trustees finds and determines that the Town-owned real property described in Section 4 of this Ordinance is eligible for annexation to the Town of Lyons under Section 30(1)(c) of the Article II of the Colorado Constitution and of Part 1 of the Municipal Annexation Act of 1965 as described in § 104 et seq. of Article 12, Title 31 of the C.R.S. Specifically, the Board of Trustees finds and concludes that:

- (a) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing boundaries of the Town of Lyons;
- (b) No annexation proceedings concerning the territory to be annexed have been commenced by another municipality;
- (c) The annexation of the Town-owned property will not result in the detachment of area from a school district;
- (d) The annexation of the area to be annexed will not result in the extension of the boundaries of the Town of Lyons more than three miles; and
- (e) The Town of Lyons has a plan in place for the area to be annexed.

Section 3. Lyons Objectives. The Board of Trustees also finds and determines that the annexation of the Town-owned real property described in Section 4, below: (a) will contribute to the orderly growth of the Town; (b) conforms to the goal and policies of the 2023 Lyons Thrive! Comprehensive Plan; and (c) is exempt from the requirement to refer the proposed annexation to the registered electors of the Town of Lyons pursuant to the exemption set forth in § 15-1-340(b)(1) of the LMC.

Section 4. Legal Description of Subject Annexation. The following described real property is hereby annexed to and made a part of the Town of Lyons:

LOT 1 LESS TRI TR NW COR & LOT 2 LESS SMALL TR SOLD TO BO CO BLK 1
MEADOW PARK FRUIT FARMS

Section 5. Recordation. Pursuant to § 15-1-260 of the LMC, the Town Clerk shall record four (4) certified copies of the annexation ordinance and map with the County Clerk and Recorder, unless otherwise directed by the County Clerk and Recorder. The

Town shall request that the County Clerk and Recorder forward one (1) copy of the annexation map and ordinance to the Colorado Department of Local Affairs and one (1) copy of the annexation map and ordinance to the Colorado Department of Revenue.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the LMC.

**INTRODUCED AND PASSED ON FIRST READING THIS 20 DAY OF
JUNE, 2023.**

**INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS _____ DAY OF
_____, 2023.**

**THE BOARD OF TRUSTEES
OF THE TOWN OF LYONS, COLORADO**

Hollie Rogin, Mayor

ATTEST:

Dolores Vasquez, CMC, Town Clerk