

**TOWN OF LYONS, COLORADO
ORDINANCE 1153**

**AN ORDINANCE OF LYONS, COLORADO
APPROVING A LEASE OF TOWN PROPERTY ADJACENT TO 4100, 4196 AND
4206 UTE HWY, LYONS, COLORADO 80540 TO SPIRIT HOUND DISTILLERS**

WHEREAS, the Town of Lyons ("Town") has the authority to enter into contracts, and specifically contracts for the lease of Town-owned land; and

WHEREAS, the Board of Trustees ("BOT") of the Town possesses the authority to enter into lease agreements for real property owned by the Town when deemed by the BOT to be in the best interest of the Town; and

WHEREAS, the BOT is specifically authorized by C.R.S. § 31-15-801 to enter into long-term rental or leasehold agreements; and

WHEREAS, C.R.S. 31-15-713(l)(c) requires any lease of Town property for a period of more than one year or to be approved by ordinance; and

WHEREAS, Spirit Hound Distillers, LLC ("Spirit Hound") is a local business which creates and distributes distilled alcoholic products; and

WHEREAS, the growth of Spirit Hound has required them to search for additional property to warehouse materials and otherwise support their operations; and

WHEREAS, the Town owns property legally described as:

THENCE, S 75° 38' 28.7" W FOR A DISTANCE OF 98.7006 FEET TO A POINT ON A LINE.

THENCE, N 54° 54' 39.1" W FOR A DISTANCE OF 59.9034 FEET TO A POINT ON A LINE.

THENCE, N 69° 27' 05.0" W FOR A DISTANCE OF 18.0300 FEET TO A POINT ON A LINE.

THENCE, N 88° 45' 32.3" W FOR A DISTANCE OF 9.8300 FEET TO A POINT ON A LINE.

THENCE, N 54° 54' 37.3" W FOR A DISTANCE OF 199.9281 FEET TO A POINT ON A LINE.

THENCE, N 34° 50' 22.7" E FOR A DISTANCE OF 84.9982 FEET TO A POINT ON A LINE.

THENCE S 54° 54' 37.3" E A DISTANCE OF 349.9873 FEET TO THE POINT OF BEGINNING;

SAID AREA CONTAINING 0.595 ACRES.

(the "Property") which is adjacent to 4100 Ute Hwy and 4196 Ute Hwy and 4206 Ute Hwy., Lyons, Colorado 80540 which the Town has available to lease to Spirit Hound; and

WHEREAS, the BOT has determined that the Town shall convey a leasehold interest in the Property to Spirit Hound at the Town's commercial leasing rate; and

WHEREAS, the Town and Spirit Hound have negotiated a Lease Agreement Between Spirit Hound Distillers and the Town of Lyons ("Lease Agreement") for leasing the Property attached hereto as **Exhibit A** and incorporated by reference; and

WHEREAS, the valid execution of the Lease Agreement is expressly conditioned on Spirit Hound closing on the purchase of 4100 Ute Hwy. Lyons 80540, currently known as the "Clark's Property"; and

WHEREAS, the BOT desires to approve the Lease Agreement.

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

Section 1. The above recitals are incorporated by reference.

Section 2. The attached Lease Agreement between the Town of Lyons and Spirit Hound is hereby conditionally approved by the Board of Trustees.

Section 3. The valid execution of the Lease Agreement is expressly conditioned on Spirit Hound closing on the purchase of 4100 Ute Hwy. Lyons 80540, currently known as the "Clark's Property." If Spirit Hound does not close on the purchase of the Clark's Property, then this Agreement shall not be effective.

Section 4. The Mayor or Mayor Pro Tem are hereby authorized to execute the Lease Agreement for the Board of Trustees.

Section 5. The Town Administrator, in consultation with the Town Attorney and the Mayor, is hereby authorized to make non-material alterations to the Lease Agreement which does not increase the financial obligations of the Town.

Section 6. Effective Date: This Ordinance shall become effective thirty days after publication following the final passage.

INTRODUCED AND PASSED ON FIRST READING THIS 5th DAY OF September 2023.

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

TOWN OF LYONS

Mayor Hollie Rogin

ATTEST:

Dolores M. Vasquez, CMC – Town Clerk

EXHIBIT A