

REFERRAL REQUEST

Project Name:	Tebo Annexation
Today's Date:	July 22, 2024
Comments Due By:	August 14, 2024

The Town of Lyons has received the following item for review:

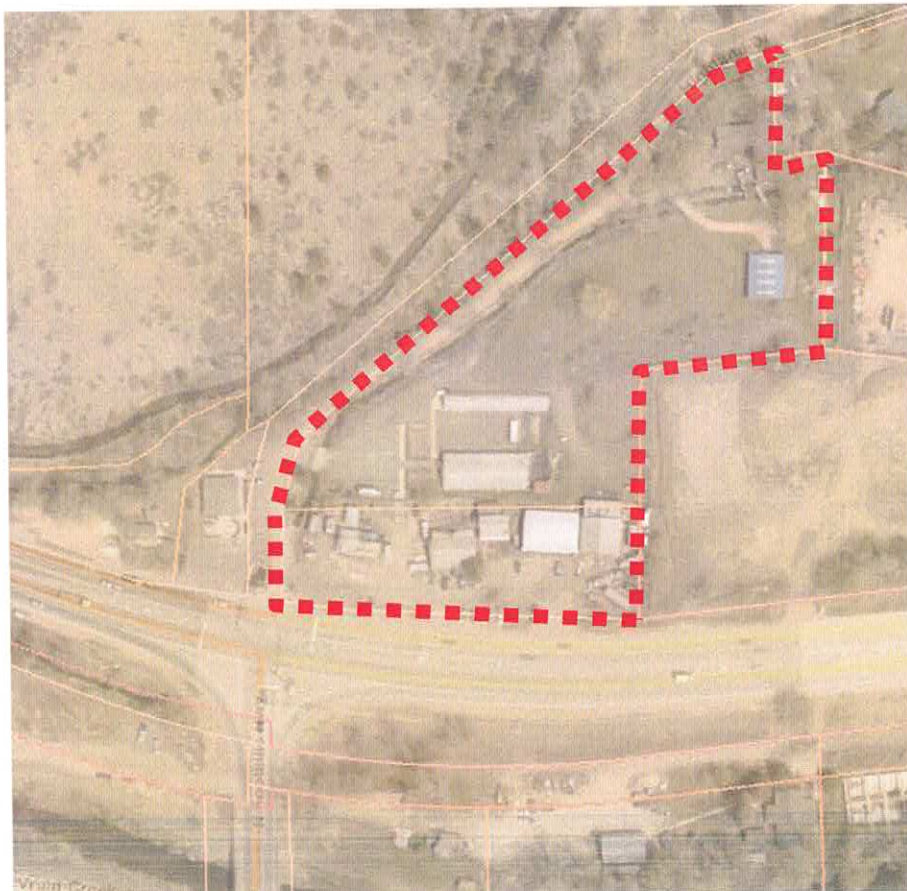
Applicant:	Stephen D. Tebo
Zoning District:	Current: A-Agricultural (Boulder County Zoning)
Location:	4545-4559 Ute Hwy. & 4602 Highland Drive, Longmont, CO 80540

Project Description:

The Town of Lyons has received a complete application for a petition for annexation (details provided below).

On **Monday July 15th**, the Town of Lyons Board of Trustees (BOT) voted by Resolution (**RESOLUTION 2024-55**) to process a Petition for Annexation pursuant to Chapter 15 of the Lyons Municipal Code. This decision to move forward was based on the Board's finding that the application packet submitted was in substantial compliance with the Municipal Annexation Act. If approved the resulting annexation will add 5+- acres of land to the Town's Eastern Corridor.

The Applicant, Stephan Tebo, is requesting that two parcels (4545-4559 Ute Highway and 4602 Highland Drive, shown below) be annexed into the Town of Lyons' corporate limits.



A proposal for initial zoning designation has also been requested. 4545-4559 Ute Highway is proposed to be zoned CEC, while 4602 Highland Drive is proposed to be zoned R3. Both parcels are currently zoned A-Agricultural which is a Boulder County zoning designation.

Currently, there are no development plans for either parcel, however, a concept plan showing commercial uses along Ute Highway was submitted with the application packet.

As part of the codified process, the application is submitted to you for review and comments. Please reply by the above-listed date so that we may fully consider your recommendation. Any response not received before or on this date will be deemed to be a neutral response.

If you have any questions regarding this application please call, Andrew Bowen, at 303.823.6622 x25 or email him at abowen@townoflyons.com. Please note that only a portion of the submitted documents have been enclosed. If you desire to review the entire file, please call the Town Clerk Dolores Vasquez at 303.823.6622 x12.

Please check the appropriate response below or send a letter.

X

We have reviewed the proposal and have no conflicts.

See the attached letter for comments regarding this application:

Please note the following concern/s:

Signed by: Leslie J. Reynolds Date: 8/15/2024
Printed Name/Agency: Lyons Regional Library Board of Trustees

Please mail your comments to: Town of Lyons, PO Box 49, Lyons, CO 80540, ATTN: Dolores Vasquez, fax them to: 303.823.8257, or email them to: dvasquez@townoflyons.com.

ANNEXATION PETITION

TO THE MAYOR AND BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO:

The undersigned, in accordance with Title 31, Article 12, Chapters 101 et .seq., Colorado Revised Statutes, hereby petition the Board of Trustees of the Town of Lyons for annexation into the Town of Lyons the territory described herein and described and shown on the map designated "TEBO Annexation". Four (4) copies of said map are submitted herewith and by this reference are incorporated herein. The description of the territory hereby petitioned for annexation into the Town is set forth in Exhibit "A" attached hereto and incorporated herein by reference (Exhibit "A" must be an original printed property description on 8-1/2 x 11 white paper.)

In support of this petition, the petitioner(s) allege(s) that:

1. It is desirable and necessary that the above-described territory be annexed to the Town of Lyons.
2. The requirements of Section 31-12-104 and 31-12-105 of the Colorado Revised Statutes exist or have been met in that:
 1. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the Town of Lyons.
 2. A community of interest exists between the territory proposed to be annexed and the Town of Lyons.
 3. The territory sought to be annexed is urban or will be urbanized in the near future.
 4. The territory sought to be annexed is integrated or is capable of being integrated with the Town of Lyons.
3. In establishing the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of the tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has/have been divided into separate parts of parcels of real estate without the written consent of the landowner or landowners thereof, except and unless where such tracts or parcels are already separated by a dedicated street, road, or other public way.
4. In establishing the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate comprising twenty (20) acres or more which, together with the building and improvements situated thereon have an assessed valuation in excess of \$200,000 for ad valorem tax purposes for the year next preceding the filing of the written petition for annexation, has/have been included within the territory proposed to be annexed without the written consent of the land owner or land owners.
5. The territory proposed to be annexed does not include any area which is the same or substantially the same area in which an election for an annexation to the Town of Lyons was held within the twelve months preceding the filing of this petition.

6. The territory proposed to be annexed does not include any area included in another annexation proceeding involving a town other than the Town of Lyons.
7. The territory proposed to be annexed is not presently a part of any incorporated town, city or city and county or if the property is part of another town or city or city and county, it will be disconnected from such municipality prior to consideration of the annexation.
8. The property owned by each petitioner (when there is more than one petitioner) is described on each separate exhibit fully describing the property.
9. If a portion of a platted street or alley is to be annexed, the entire width of said street or alley is included within the area proposed to be annexed.
10. The proposed annexation would not have the affect of extending a municipal boundary more than three (3) miles in any direction from any point of any such municipal boundary in any one year.
11. The undersigned is the owner(s) of one hundred percent (100%) of the territory included in the area proposed to be annexed exclusive of streets and alleys.

Accompanying this petition are the original and four copies of an annexation plat map containing the following information:

1. A written legal description of the boundaries of the area proposed to be annexed.
2. A map showing the boundary of the area proposed to be annexed.
3. Within the annexation boundary map, an identification of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks. Also, within the boundary map, identification of any special districts the area proposed to be annexed may be part of.
4. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.
5. A surveyor's certificate prepared by a registered land surveyor that attests to the preparation of the map and certifies at least one-sixth (1/6) contiguity to the Town of Lyons.
6. Acceptance block describing the acceptance action of the Town of Lyons and providing for the effective date and Town Clerk and Mayor attest signatures.

THEREFORE, the undersigned respectfully petition the Board of Trustees of the Town of Lyons to annex the territory described and referred to in Exhibit "A" to the Town of Lyons in accordance with and pursuant to the statutes of the State of Colorado.

Parcel #: <u>120320100024</u>	Date: <u>5/9/23</u>
Landowner(s) Name(s): <u>STEPHEN D. TEBO</u>	Landowner(s) Signature(s): <u>[Signature]</u>
Mailing Address(es): <u>PO Box T, Boulder Co 80301</u>	

Parcel #: <u>120320100018</u>	Date: <u>5/9/23</u>
Landowner(s) Name(s): <u>STEPHEN D. TEBO</u>	Landowner(s) Signature(s): <u>[Signature]</u>
Mailing Address(es): <u>PO Box T, Boulder Co 80301</u>	

Parcel #:	Date:
Landowner(s) Name(s):	Landowner(s) Signature(s):
Mailing Address(es):	

The foregoing signature(s) was/were subscribed and sworn to before me this 9th day of May, 2024 by Ashley Cavanaugh

Witness my hand and official seal.
My commission expires: 8/28/27



[Signature]
Notary Public

**TOWN OF LYONS, COLORADO
RESOLUTION 2024- 55**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO,
FINDING SUBSTANTIAL COMPLIANCE AND INITIATING ANNEXATION
PROCEEDINGS FOR THE PROPERTY KNOWN AS THE TEBO ANNEXATION,
4545-4559 UTE HIGHWAY AND 4602 HIGHLAND DRIVE**

WHEREAS, a written petition, together with four (4) prints of an annexation map, has been filed with the Town of Lyons ("Town") Clerk requesting annexation of certain property to be known as the "Tebo Property," as more particularly described below; and

WHEREAS, the Town of Lyons Board of Trustees ("Board of Trustees") desires to initiate annexation in accordance with the Municipal Annexation Act, Section 31-12-101 et seq., Colorado Revised Statutes; and

WHEREAS, on June 17, 2024, the Town of Lyons Board of Trustees approved Resolution 2024-51, a Resolution of the Town of Lyons, Colorado, Finding Substantial Compliance and Initiating Annexation Proceedings for the Property Known as the Tebo Annexation, 4545-4559 Ute Highway and 4602 Highland Drive; and

WHEREAS, on June 21, 2024, the applicant requested the application be held for a two-week period to review further annexation options; and

WHEREAS, the applicant is requesting to proceed with the annexation petition as originally requested by resubmitting its application; and

WHEREAS, the Board of Trustees desires to initiate the annexation process and set a public hearing for annexation.

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 accepts the annexation petition of the Tebo Property, more particularly described in the real property records for Boulder County as:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED LONGMONT, IN THE COUNTY OF BOULDER, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

PARCEL A:

The West half of the Southeast Quarter of the Northeast Quarter of Section 20,
Township 3 North, Range 70 West of the 6th Principal Meridian,
Except the following:

Tract conveyed to Boulder County by deed recorded in Book 624 at Page 426;
Tract conveyed to Hugh Lee Hammonds and Susie Cornelia Hammonds by deed
Recorded in Book 642 at Page 16;

Tract conveyed to Fred Dirkes by deed recorded in Book 660 at Page 162;
Tract conveyed to Fred David Dirkes and Dorothy Beth Dirkes by deed recorded September 05, 1957, in Book 1055 at Page 197;
Tract conveyed to City of Longmont by Deed recorded August 3, 1966, at Reception No. 822965;
And except any part of the land lying North of the Boulder County Highway known as the Old Estes Park Highway;

And except a tract in the Northeast corner, as stated to have been conveyed by Deed from William L. Parsons to Thomas McCall, as evidenced by deed recorded September 05, 1957, in Book 1055 at Page 200;

And except that part to the Department of Highways by instrument recorded January 19, 1968, on film 625 as Reception No. 869134,

And except a tract conveyed to Junge by deed recorded July 3, 1959, in Book 1113 at Page 416

PARCEL B:

All that portion of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 20, Township 3 North, Range 70 West of the 6th P.M., County of Boulder, State of Colorado, lying East of the Boulder County highway, known as the Estes Park Highway, and North of the following described line:

Beginning at a point on the North right of way line of Highway No. 66, whence the Northeast corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said section 20, bears North $39^{\circ}49'$ East, 1032.99 feet; Thence North $1^{\circ}34'$ East, 405.87 feet to the True Point of Beginning of said line;
Thence Westerly parallel to the North line of Highway No. 66, 214.6 feet;
Thence South $1^{\circ}34'$ West, 157.77 feet;
Thence North $88^{\circ}47'$ West, 423.4 feet, more or less, to said Estes Park Highway;
Except that parcel of land described in Warranty Deed from William L. Parsons and Elizabeth Parsons to Thomas McCall recorded December 13, 1879, in Book 58 at Page 147, Boulder County, Colorado records; and

Except that parcel of land described in Warranty Deed from George W. Kirk to Hugh Lee Hammonds and Susie Cornelia Hammonds recorded July 28, 1936, in Book 642 at Page 16, of said records.

THE PRIOR DESCRIBED PARCEL OF LAND ALSO BEING DESCRIBED AS FOLLOWS:

A parcel of land located in the Southeast quarter of the Northeast quarter of Section 20, Township 3 North, Range 70 West of the 6th P.M., County of Boulder, State of Colorado, described as follows:

Commencing at the Northeast corner of said South half of the Northeast quarter of section 20 (North sixteenth corner of sections 20 and 21) from whence the East quarter corner lies $S00^{\circ}15'23''W$, 1315.54 feet;

Thence $S 59^{\circ}09'09''W$, 759.51 feet to the Northeasterly corner of a parcel of land

described in deed recorded August 3, 1966 at Reception No. 822965, being the point of beginning;

Thence along the Northerly and Westerly lines of said parcel the following two courses:

- 1) S84°59'36"W, 214.68 feet;
- 2) S01°03'36"W, 157.77 feet;

Thence N89°17'24"W, 410.41 feet, more or less to a point on the Easterly line of Highland Drive (previously known as Estes Park highway);

Thence along the Easterly and Southerly right of way line of Highland Drive, being 20.00 feet from the approximate centerline (as of June 2009), the following nine courses:

- 1) N21°03'39"E, 31.46 feet;
- 2) N27°42'44"E, 48.39 feet;
- 3) N48°05'53"E, 58.96 feet;
- 4) N58°08'08"E, 148.64 feet;
- 5) N48°49'41"E, 107.44 feet;
- 6) N55°01'35"E, 138.17 feet;
- 7) N28°56'43"E, 100.35 feet;
- 8) N38°25'53"E, 70.69 feet;
- 9) N62°50'27"E, 75.50 feet;

Thence S00°00'00"W, 158.28 feet, more or less, along the extended Westerly line of a parcel described in the deed recorded in Book 642 at Page 16 to the approximate Northerly bank (as of June 2009) of the Palmerton ditch;

Thence along the approximate Northerly bank (as of June 2009) of the Palmerton Ditch the following three courses:

- 1) N55°07'06"E, 40.49 feet;
- 2) N76°13'39"E, 28.23 feet;
- 3) S76°54'46"E, 13.12 feet;

Thence S01°03'36"W, 214.89 feet, more or less, along the Westerly line extended North of a parcel of land described in a deed recorded July 12, 1966, at Reception No. 820796 to the point of beginning, County of Boulder, State of Colorado.

Section 3. The Board of Trustees hereby finds and determines that the annexation petition for the Tebo Property is in substantial compliance with the Municipal Annexation Act in that the annexation petition contains the following:

- 1) An allegation that it is desirable that the Tebo Property be annexed into the Town;
- 2) An allegation that the requirements of Colorado Revised Statutes Sections 31-12-104 and 31-12-105 exist or have been met;
- 3) An allegation that the signers of the petition comprise of more than fifty percent of the landowners in the area and own more than fifty percent of the area proposed to be

annexed, excluding public streets and alleys and any land owned by the Town;

- 4) The signatures of such landowners;
- 5) A request that the Town approve the annexation of the area proposed to be annexed;
- 6) The mailing address of each signer;
- 7) The legal description of the land owned by such signer;
- 8) The date of signing of each signature; and
- 9) The affidavit of the circulator of such petition that each signature therein is the signature of the person whose name it purports to be.

Section 4. The Board of Trustees hereby finds and determines that the annexation map, four copies total, accompanying the petition of the Tebo Annexation is in substantial compliance with the Municipal Annexation Act in that the map contains the following:

- 1) A written legal description of the boundaries of the area proposed to be annexed;
- 2) A map showing the boundary of the area proposed to be annexed;
- 3) Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the land is platted, the boundaries and the plat numbers of plots or lots and blocks; and
- 4) Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.

Section 5. That the Notice Attached hereto as **Exhibit A** is hereby adopted as part of this Resolution. The Notice establishes the date, time, and place when a public hearing will be held regarding the pages of annexation and zoning ordinances pertaining to the above-described property. The Town Clerk is to publish a copy of this resolution and the notice for four consecutive weeks:

First Publication:	July 20, 2024
Second Publication:	July 27, 2024
Third Publication:	August 3, 2024
Fourth Publication:	August 10, 2024

Section 6. This resolution shall take effect immediately upon adoption.

ADOPTED THIS 15th DAY of July 2024.

TOWN OF LYONS, COLORADO

By: Hollie Rogin
Hollie Rogin, Mayor

ATTEST:
Dolores M. Vasquez
Dolores M. Vasquez, CMC Town Clerk



EXHIBIT A

NOTICE OF PUBLIC HEARING

TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that the Petition for Annexation of territory, more particularly described in the attached Resolution 2024-55, has been presented to the Town Board of Trustees of the Town of Lyons, Colorado was found to be in apparent compliance with the applicable provisions of law. The Town Board of Trustees has adopted a Resolution setting a public hearing to be held at 7:00 P.M., or as soon thereafter as the matter may come, on August 19, 2024, at the Town of Lyons Town Hall, 432 5th Ave, Lyons, CO 80540 to determine if the proposed annexation complies with the applicable requirements of law.

The Petitioner has requested that the Property included in the annexation, 4545-4559 Ute Highway, be placed in the Commercial East Corridor District (CEC) zoning district.

The Petitioner has requested that the Property included in the annexation, 4602 Highland Drive, be placed in the R-3 High-Density Residential zoning district.

Any person may appear at the hearing and present evidence upon any matter which may be considered by the Town Board of Trustees.

The Town of Lyons will make reasonable accommodations for access to Town services, programs, and activities and make special communication arrangements for persons with disabilities. For accommodation requests, please contact dvasquez@townoflyons.com prior to the public hearing.

A copy of the Resolution is attached hereto.

Given this 16th day of July 2024

By: Hollie Rogin
Hollie Rogin, Mayor

ATTEST:

Dolores M. Vasquez
Dolores M. Vasquez, CMC – Town Clerk

