

**TOWN OF LYONS, COLORADO
ORDINANCE 1169**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO,
REZONING 4602 HIGHLAND DR ("LOT 1") OF THE TEBO ANNEXATION
TO HIGH DENSITY RESIDENTIAL (R3)**

WHEREAS, pursuant to C.R.S. § 31-23-301, the Town of Lyons (the "Town") possesses the authority to regulate land uses within the Town; and

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"; and

WHEREAS, the Town of Lyons Board of Trustees ("Board of Trustees") desires to approve an annexation petition in accordance with the Municipal Annexation Act, Section 31-12-101 *et seq.*, Colorado Revised Statutes and Lyons Municipal Code ("LMC") Chapter 15; and

WHEREAS, the Board of Trustees previously approved Resolution 2024-55, finding substantial compliance and initiating annexation proceedings for the Tebo Property, as defined therein; and

WHEREAS, the Municipal Annexation Act, Section 31-12-101 *et seq.*, Colorado Revised Statutes and LMC Chapter 15 require that annexed property be zoned; and

WHEREAS, pursuant to LMC 15-1-220 the Town of Lyons Planning and Community Development Commission ("PCDC"), "shall, by resolution, recommend approval of the petition for annexation with or without modifications and/or conditions, or recommend denial. If zoning of the property is requested at the time of annexation, the PCDC shall, by resolution, recommend approval with or without modifications and/or conditions, or recommend denial of the requested zoning. The PCDC shall refer any such recommendation to the Board of Trustees"; and

WHEREAS, the Tebo Annexation contains two lots, 4602 Highland Dr. or "Lot 1" which is to the north and 4545 Ute Hwy. or "Lot 2" which is to the south; and

WHEREAS, the applicant has proposed Lot 1, as is more particularly described below, and as depicted on **Exhibit A**, be rezoned from County zoning Commercial to R-3, High Density Residential; and

WHEREAS, the proposed zoning designation of Parcel is consistent with the Lyon's Thrive Comprehensive Plan, Future Land Use Plan, and the 2012 Boulder County Land Use IGA; and

WHEREAS, the PCDC held a public hearing on the proposed zoning of Lot 1; and

WHEREAS, the PCDC has determined it is in the best interest of the Town to recommend to the Board of Trustees that Lot 1 be zoned as R-3, High Density Residential; and

WHEREAS, the Board of Trustees held a duly noticed public hearing on the proposed zoning of Lot 1; and

WHEREAS, the Board of Trustees has determined it is in the best interest of the Town to approve a request for Lot 1 to be zoned as R-3, High Density Residential.

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

Section 1. The above recitals are hereby incorporated by reference.

Section 2. The Board of Trustees hereby approves the Application for zoning of the Tebo Property, Lot 1, as R-3, High Density Residential which is more particularly described in the real property records for Boulder County as;

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) $S84^{\circ}59'36''W$, 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 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. Specifically, the Town of Lyons Board of Trustees finds that the Application "rezone[s] an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally" consistent with LMC § 16-15-40(2).

Section 5. The Town Administrator, Town Planner, and other appropriate Town Staff are authorized and instructed to revise the official zoning map for the Town of Lyons so that the zoning designation described in this Ordinance is illustrated in graphic form. Failure to amend the official zoning map in accordance with this Ordinance shall not, however, have the effect of limiting, preventing or precluding the effect or effective date of this Ordinance.

Section 6. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 7. Repeal. Any and all ordinances, resolutions, or codes, or parts thereof, which are in conflict or inconsistent with this ordinance are repealed, to the extent of such conflict or inconsistency exists. The repeal of any such ordinance, resolution, or code or part thereof, shall not revive any other section or part of any ordinance, resolution, or code provision. This repeal shall not affect or prevent the prosecution or punishment of any person for any act

done or committed in violation of any ordinance or code hereby repealed prior to this ordinance taking effect.

Section 8. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS _____ DAY OF _____, 2024.

INTRODUCED, AMENDED, PASSED, ADOPTED, AND ORDERED PUBLISHED ON SECOND READING THIS _____ DAY OF _____ 2024.

TOWN OF LYONS, COLORADO

By: _____
Hollie Rogin, Mayor

ATTEST:

Dolores M. Vasquez, CMC Town Clerk