

TOWN OF LYONS, COLORADO

**PLANNING AND COMMUNITY DEVELOPMENT COMMISSION
RESOLUTION 2024-13-PCDC**

**A RESOLUTION OF THE TOWN OF LYONS PLANNING AND COMMUNITY
DEVELOPMENT COMMISSION RECOMMENDING THE REZONING OF 4602
HIGHLAND DR (“LOT 1”) OF THE TEOB ANNEXATION TO R3 HIGH DENSITY
RESIDENTIAL**

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 described below; 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.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING AND COMMUNITY DEVELOPMENT COMMISSION:

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

Section 2. The PCDC hereby recommends that 4602 Highland Dr., Lot 1, as depicted on **Exhibit A**; and as more particularly described as

Commitment Number 5509-3936635

Deed Recorded on 07/20/2018 at Rec. No. No. 3666945

Parcel 1:

ALL THAT PORTION OF THE WEST ½ OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ 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 NORTHEAST CORNER OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 20 BEARS NORTH 39°49' EAST, 1032.99 FEET; THENCE NORTH 1°34' EAST, 405.87 FEET TO THE TRUE POINT BEGINNING SAID LINE; THENCE WESTERLY PARALLEL TO THE NORTH LINE OF HIGHWAY 66, 214.6 FEET; THENCE SOUTH 1°34' WEST, 157.77 FEET; THENCE NORTH 88°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 WE. KIRK TO HUGH LEE HAMMONDS AND SUSIE

CORNELIA HAMMONDS RECORDED JULY 28, 1936 IN BOOK 642 AT PAGE 16, OF SAID RECORDS.

Parcel 2:

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 LIES S00°15'23"W, 1315.54 FEET;

THENCE S 59°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 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", 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;

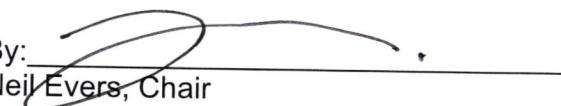
THENCE S01°03'36"E, 214.98 FEET, MORE OR LESS, ALONG THE
WESTERLY LINE EXTENDED NORTH OF A PARCEL OF LAND
DESCRIBED IN DEED RECORDED JULY 12, 1966 AT RECEPTION
NON. 820796 TO THE POINT OF BEGINNING, COUNTY OF BOULDER
STATE OF COLORADO

Be zoned as R-3, High Density Residential.

Section 3. This resolution shall take effect immediately upon adoption.

ADOPTED this 14th DAY OF August 2024.

PLANNING AND COMMUNITY
DEVELOPMENT COMMISSION FOR THE
TOWN OF LYONS, COLORADO

By: 
Neil Evers, Chair

ATTEST:


Maria Marquez-Rubio
Deputy Town Clerk



