

**Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: XI. 4.
Meeting Date: Oct 7, 2024**

TO: Mayor Rogin and Members of the Board of Trustees

FROM: Aaron Caplan, Engineering, Building & Utilities Director

DATE: October 3, 2024

ITEM: Discussion/Direction on Accepting Cash in Lieu of Four (4) Shares of Colorado Big-Thompson Project Water (C-BT) for Four (4) Lots in Lyons Valley Park Filing 8

X ORDINANCE
MOTION / RESOLUTION

INFORMATION

I. REQUEST OR ISSUE: Discuss if the trustees would accept \$224,000 cash in lieu of four (4) shares of C-BT for four (4) lots in Lyons Valley Park, Filing 8.

II. RECOMMENDED ACTION / NEXT STEP: Determine if the staff should bring a resolution documenting the acceptance of the cash in lieu of water rights and possibly a resolution amending the Subdivision Improvement Agreement (SIA) for Lyons Valley Park Filing No. 8.

Determine a date by which the Town will require payment of cash in lieu of the water rights.

III. FISCAL IMPACTS: The water utility would receive \$224,000.

IV. BACKGROUND INFORMATION: Previous discussions during September BOT meetings have determined that there is an interest in accepting cash in lieu of water rights dedications for these four lots. The Utilities and Engineering Board recommended \$56,000 per unit of C-BT for this transaction.

The Lyons Municipal Code requires water rights to be dedicated, when required, at the time of property annexation or prior to a building permit being issued, depending on the circumstances. Accepting cash in lieu of water rights is based on the current market value, and the Town does not know when building permits will be applied for. The benefit of accepting the cash is not known if the payment is not made in the near term.

V. LEGAL ISSUES: The lots in Lyons Valley Park are subject to the Subdivision Improvement Agreement for Lyons Valley Park Filing No. 8. The original SIA required C-BT to be used for the water rights dedication. Previous amendments to the SIA have made changes to this requirement, and another amendment to the SIA may be required to accept cash in lieu of water rights for these lots.

VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** None