

# Conservation Easements

10.21.24

**Prepared for:** Town of Lyons Board of Trustees

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# Lot: 2186/8 Apple Valley Road



Photo from a Land Use Determination Report from Boulder County (2002)

Parcel Number: 120112000006

Rural Residential Zoning District

Together the yellow + red are one legal building lot but the red is not a legal building lot on its own

The lots are owned by the Town of Lyons and the Board of Trustees is considering listing them for sale.

It was requested that Town staff investigate the conservation easement process, costs, and possibilities to ensure continued public access to the creek

# Conservation Easement Process

1. Process can take several months – depends on BoCo Board commitments, timing, etc.
2. Letter of intent between the Town of Lyons and Boulder County
  1. Outlines goals, easement, address, who will own what, etc.
3. Lyons covers the cost of closing, title, Environmental Site Assessment
4. Drafting the easement to a point where both the Town/County like the Easement
5. Usually BoCo takes it to the Parks and Open Space Advisory Committee (in this case that may not be necessary because BoCo would not be paying the Town for the easement) but it would still need to go to the Boulder County Commissioners
6. Finish with due diligence, make sure ESA is good, etc.

# Considerations

1. What is the board trying to accomplish with the easement? Public access, conservation, etc.
2. How might an easement affect the property value prior to a sale?
3. Is there another way to accomplish the goals?
  1. Town keeps and maintains the non-buildable part of the lot
  2. Public access easement (could save costs) when the property sells
  3. Division of land through Boulder County (would need to be approved and go through a process)
4. Who does the Town want to be responsible for maintenance of the lot?
5. Who will assume liability with the easement? Property owner, Town, County?
  1. Current statewide conversations about liability on easements
6. If there is a conservation easement, Boulder County will work with landowner, visit the property occasionally, etc.

# Public Access Easement

- Public Easement: is the right of the public to use certain streets, highways, paths, or airspace, even though the areas are owned by others. In a public easement, the person who owns the land has to allow members of the public to access a defined area of their land for the reasons stated in the easement (Definition: Cornell Law School)
- Can preserve public access to the creek with less process and likely less cost
- Can be completed when the property sells
- Would not include Boulder County in the process



# Questions and Recommendations

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