

**TOWN OF LYONS, COLORADO
ORDINANCE 1197**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO,
ZONING 4497 UTE HIGHWAY OF THE '4497 UTE HIGHWAY ANNEXATION'
TO COMMERCIAL EASTERN CORRIDOR (CEC)**

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 "4497 Ute Highway"; 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 2025-46, finding substantial compliance and initiating annexation proceedings for the 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 the 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 applicant has the Property, as is more particularly described below and as depicted on **Exhibit A**, be rezoned from County zoning Agricultural to CEC, Commercial East Corridor; 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 the Property; and

WHEREAS, the PCDC has determined it is in the best interest of the Town to recommend to the Board of Trustees that the Property be zoned as CEC, Commercial East Corridor; and

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

WHEREAS, the Board of Trustees has determined it is in the best interest of the Town to approve a request for the Property to be zoned as CEC, Commercial East Corridor.

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 4497 Ute Highway Property as CEC, Commercial East Corridor, which is more particularly described in the real property records for Boulder County as;

A PARCEL OF LAND, LOCATED IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING A PORTION OF THE WESTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN QUITCLAIM DEED RECORDED AT RECEPTION NO. 2944811, DATED JULY 22, 2008 IN THE RECORDS OF BOULDER COUNTY CLERK IN THE RECORDER TO BEAR NORTH 09°54'42" EAST, A DISTANCE OF 102.44 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING THAT THE NORTHWEST CORNER OF SAID PARCEL OF LAND; THENCE SOUTH 09°54'42" WEST, ALONG THE WEST LINE OF SAID PARCEL OF LAND, A DISTANCE OF 32.45 FEET TO THE SOUTHERLY LINE OF THE 48 FOOT RIGHT-OF-WAY FOR THE ROUGH AND READY DITCH, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 57°36'17" EAST, ALONG SAID SOUTHERLY LINE OF THE ROUGH AND READY DITCH, A DISTANCE OF 127.38 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HIGHLAND DRIVE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE OF HIGHLAND DRIVE THE FOLLOWING THREE (3) COURSES:

1. SOUTH 27°39'44" WEST, A DISTANCE OF 27.06 FEET;
2. THENCE SOUTH 21°02'40" WEST, A DISTANCE OF 40.07 FEET;
3. THENCE SOUTH 03°08'10" WEST, A DISTANCE OF 107.87 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF US HIGHWAY 36 AND COLORADO STATE HIGHWAY 66 AND COLORADO STATE HIGHWAY 7; THENCE NORTH 81°02'31" WEST, ALONG SAID NORTHERLY RIGHT OF WAY OF US HIGHWAY 36, A DISTANCE OF 90.95 FEET TO A POINT ON SAID WESTERLY LINE OF SAID PARCEL OF LAND; THENCE NORTH 09°54'42" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 87.98 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

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 _____, 2025.

INTRODUCED, AMENDED, PASSED, ADOPTED, AND ORDERED PUBLISHED ON SECOND READING THIS _____ DAY OF _____ 2025.

TOWN OF LYONS, COLORADO

By: _____
Hollie Rogin, Mayor

ATTEST:

Dolores M. Vasquez, CMC Town Clerk