

**TOWN OF LYONS,
COLORADO**

ORDINANCE NO. 1017

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF
THE TOWN OF LYONS ANNEXING TO THE TOWN OF
LYONS CERTAIN REAL PROPERTY OWNED BY THE
TOWN OF LYONS**

WHEREAS, the Town of Lyons, acting by and through its Water Enterprise, is the sole owner in fee of the real property described below; and

WHEREAS, the property is currently located in an unincorporated area of Boulder County, Colorado; and

WHEREAS, C.R.S. § 31-12-106(3) provides that a municipality may annex by ordinance municipally-owned real property without notice and hearing upon a determination that the property is eligible for annexation under Section 30(1)(c) of Article II of the Colorado Constitution and applicable provisions of the Municipal Annexation Act of 1965, Part 1 of Article 12 of Title 31, C.R.S.; and

WHEREAS, it is the desire of the Board of Trustees to annex the hereinafter described Town-owned property to the Town of Lyons.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF LYONS, COLORADO, as follows:

Section 1. The Board of Trustees finds that the Town of Lyons, acting by and through its Water Enterprise, is the sole owner in fee of the real property described in Section 4 of this Ordinance, and that such property is not solely a public street or right-of-way.

Section 2. The Board of Trustees finds and determines that the Town-owned real property described in Section 4 of this Ordinance is eligible for annexation to the Town of Lyons under Section 30(1)(c) of Article II of the Colorado Constitution and C.R.S. §§ 31-12-104(1)(a) and 31-12-105. Specifically, the Board of Trustees finds and concludes that:

- (a) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing boundaries of the Town of Lyons;
- (b) No annexation proceedings concerning the territory to be annexed have been commenced by another municipality;

- (c) The annexation of the Town-owned property will not result in the detachment of area from a school district;
- (d) The annexation of the area to be annexed will not result in the extension of the boundaries of the Town of Lyons more than three miles; and
- (e) The Town of Lyons has a plan in place for the area to be annexed.

Section 3. The Board of Trustees also finds and determines that the annexation of the Town-owned real property described in Section 4 below: (a) will contribute to the orderly growth of the Town; (b) conforms to the goals and policies of the Comprehensive Plan including the goals and policies set forth in the LPPA Master Plan; and (c) is exempt from the requirement to refer the proposed annexation to the registered electors of the Town of Lyons pursuant to the exemption set forth in Section 15-1-340(b)(1) of the Lyons Municipal Code.

Section 4. The following described real property is hereby annexed to and made a part of the Town of Lyons:

PARCEL 1: (2264A)

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF THE SW 1/4 OF THE NW 1/4 OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M.; THENCE WEST 148.5 FEET; THENCE SOUTH 285 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 81°00' WEST 210 FEET; THENCE NORTH 73°57' WEST 36.84 FEET; THENCE SOUTH 1°34' WEST 552.76 FEET; THENCE NORTH 85°35' EAST 261.63 FEET; THENCE NORTH 489.37 FEET; THENCE WEST 2.95 TO THE TRUE POINT OF BEGINNING; EXCEPT THAT PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, BY DEED RECORDED JANUARY 15, 1968 UNDER RECEPTION NO. 868672.

PARCEL 2: (2267A2)

A TRACT OF LAND IN THE WEST HALF (W1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION TWENTY (20), TOWNSHIP THREE (3) NORTH, RANGE SEVENTY (70) WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF HIGHWAY 66 WHENCE THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION TWENTY (20), BEARS NORTH 39°49' EAST 1032.99 FEET; THENCE NORTH 1°34' EAST 405.87 FEET; THENCE WESTERLY PARALLEL TO THE NORTH LINE OF SAID HIGHWAY 66 214.6 FEET; THENCE SOUTH 1°34' WEST 405.87 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF SAID HIGHWAY 66; THENCE EASTERLY ALONG THE NORTH RIGHT-OF-WAY OF SAID HIGHWAY 66 TO THE POINT OF BEGINNING; EXCEPT THAT PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, BY DEED RECORDED JANUARY 15, 1968 UNDER RECEPTION NO. 868672.

PARCEL 3: (2272)

THAT PART OF THE E1/2 SE1/4 NE1/4 OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., THAT LIEN NORTH OF RAILROAD AND SOUTH OF PALMERTON DITCH, COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SE1/4 OF THE NE1/4 OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M.; THENCE WEST 148.5 FEET; THENCE SOUTH 285 FEET; THENCE NORTH 81°00' 210 FEET; THENCE NORTH 73°57' WEST 36.84 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 73°57' WEST 267.06 FEET; THENCE SOUTH 1°34' WEST 646.6 FEET; THENCE NORTH 85°35' EAST 260 FEET; THENCE NORTH 1°34' EAST 552.76 FEET TO THE TRUE POINT OF BEGINNING;
EXCEPT THAT PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, BY DEED RECORDED JANUARY 15, 1968 UNDER RECEPTION NO. 868672.

PARCEL 4: (2259)

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., ON THE SOUTH

BOUNDARY LINE OF THE CHICAGO, BURLINGTON AND QUINCY RAILWAY COMPANY RIGHT-OF-WAY, SAID POINT BEING 500 FEET NORTH OF THE EAST QUARTER CORNER OF SAID SECTION; THENCE SOUTH 85°35' WEST, (VARIATION OF 14°30' EAST) ALONG THE SOUTH LINE OF SAID RIGHT-OF-WAY 123 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH PARALLEL TO SAID EAST SECTION LINE OF SECTION 20, 328 FEET TO THE MIDDLE OF ST. VRAIN CREEK; THENCE IN A WESTERLY DIRECTION UP THE CENTER OF SAID ST. VRAIN CREEK TO THE WEST LINE OF THE E1/2 OF THE SE1/4 OF THE NE1/4 OF SAID SECTION 20; THENCE NORTH ALONG SAID WEST LINE 130 FEET TO THE SOUTH LINE OF SAID RIGHT-OF-WAY; THENCE NORTH 85°35' EAST, ALONG SAID RIGHT-OF-WAY, 533 FEET TO SAID TRUE POINT OF BEGINNING.

PARCEL 5: (2260A)

A TRACT OF LAND LOCATED IN THE EAST HALF (E1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION TWENTY (20), TOWNSHIP THREE (3) NORTH, RANGE SEVENTY (70) WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SECTION TWENTY (20) ON THE SOUTH BOUNDARY LINE OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD RIGHT-OF-WAY, SAID POINT BEING 500 FEET NORTH OF THE EAST QUARTER (E1/4) CORNER OF SAID SECTION TWENTY (20); THENCE SOUTH 85°35' WEST (VARIATION 14°30' EAST) ALONG THE SOUTH LINE OF SAID RIGHT-OF-WAY 123 FEET; THENCE SOUTH ALONG THE EAST LINE OF TRACT DEEDED TO THE CITY OF LONGMONT BY DEED RECORDED IN BOOK 602, PAGE 432, BOULDER COUNTY RECORDS 240 FEET TO THE ST. VRAIN RIVER; THENCE SOUTHEASTERLY ALONG SAID RIVER BANK TO A POINT 262 FEET SOUTH OF THE POINT OF BEGINNING; THENCE NORTH ALONG THE EAST LINE 262 FEET TO THE POINT OF BEGINNING.

Section 5. Within thirty (30) days after the effective date of this Ordinance, the Town Clerk is hereby authorized and directed to:

- (a) File one copy of the annexation map with the original of the annexation ordinance in the office of the Town Clerk of the Town of Lyons, Colorado; and
- (b) File for recording three (3) certified copies of the annexation ordinance and map of the area annexed containing a legal description of such area with the Boulder County Clerk and Recorder.

Section 6. Subdivision of Subject Property. Following the Effective Date of this Ordinance, the Town Administrator or her designee shall be authorized to cause the property described in this Ordinance to be subdivided without adhering to the procedural requirements of the Town of Lyons Subdivision Regulations codified in Chapter 17 of the Lyons Municipal Code (the "Subdivision Regulations"), consistent with the exemption set forth in Section 17-1-50(b)(4) of the Lyons Municipal Code which states, to wit, that "the Subdivision Regulations shall not apply to . . . [a]ny property owned by or leased to the Town where the Town is an applicant for subdivision approval, unless the Board of Trustees elects to subdivide the property in accordance with all or any portion of this Chapter." The Mayor or Mayor Pro Tem shall be authorized to execute a final plat of the subject property following review and approval of the final plat by the Town Administrator, the Town Engineer and the Town Attorney.

Section 7. Effective Date. Except as otherwise expressly provided herein, the provisions of 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 1ST DAY OF MAY, 2017.

INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS ____ DAY OF MAY, 2017.

TOWN OF LYONS, COLORADO

Connie Sullivan, Mayor

ATTEST:

Debra K. Anthony, Town Clerk