

**TOWN OF LYONS, COLORADO
RESOLUTION 2017-55**

**A RESOLUTION APPROVING A NEIGHBORHOOD LOT LICENSURE HANDBOOK
RELATING TO LICENSE AGREEMENTS FOR PROPERTIES ACQUIRED BY THE TOWN
THROUGH FEDERAL BUYOUT PROGRAMS**

WHEREAS, the Town of Lyons (the "Town") has acquired and owns numerous residential properties in the areas most damaged by the September 2013 flood as a result of federal funds allocated to the Town through a federal buyout process ("Buyout Properties"); and

WHEREAS, the structures on the Buyout Properties have been removed, and the Buyout Properties may only be used in ways that are compatible with open space, recreational, or wetlands management uses pursuant to federal regulations and use covenants on those properties; and

WHEREAS, Town staff has determined that several Buyout Properties that are adjacent to remaining residential structures are good candidates for uses by adjacent property owners or other individuals or entities ("Applicants"), provided that such uses are compatible with the restrictions on the use of the properties; and

WHEREAS, Town staff and a design consultant have prepared a program by which qualified Applicants may apply and receive approval from the Town to use the identified properties, subject to the terms of a license agreement and applicable use covenants ("Program"); and

WHEREAS, Town staff and the design consultant have also prepared a Neighborhood Licensure Handbook ("Handbook") that explains the details of the Program and that contains a sample license agreement that is representative of the agreement that approved Applicants will be required to sign as a condition of their use of a Buyout Property; and

WHEREAS, the license agreement, a sample of which is provided as an appendix to the Handbook and which was prepared in consultation with the Town Attorney, will permit an approved Applicant to use all or a portion of a Buyout Property for authorized purposes, and will permit the Town to terminate the agreement upon thirty days' notice or without notice, depending upon the circumstances; and

WHEREAS, the Planning & Community Development Commission was provided with a draft copy of the Neighborhood Licensure Handbook for their review as part of their regular meeting on April 24, 2017 and had no comment; and

WHEREAS, the Town of Lyons (the "Town") has the authority to enter into contracts for any lawful municipal purpose pursuant to C.R.S. § 31-15-101; and

WHEREAS, the Board of Trustees desires to approve the Program as set forth in the attached Neighborhood Licensure Handbook, and further desires to authorize the Town Administrator to enter into and execute license agreements with Applicants that Town staff approves pursuant to the Program.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO:

Section 1. The Board of Trustees hereby (a) approves the Neighborhood Licensure

Handbook in substantially the form attached hereto as **Exhibit A**, (b) authorizes the Town Administrator and the Town Attorney to make such administrative changes to the Neighborhood Licensure Handbook and licensing agreement as may be required to the extent they do not materially increase the obligations of the Town, and (c) authorizes the Town Administrator to enter into and execute license agreements with approved Applicants for certain Buyout Properties pursuant to the Program.

Section 2. This resolution shall become effective immediately upon adoption.

ADOPTED THIS 1ST DAY OF MAY 2017.

TOWN OF LYONS

By: _____
Connie Sullivan, Mayor

ATTEST:

Debra K. Anthony, MMC - Town Clerk

Exhibit A
Neighborhood Licensure Handbook