

**TOWN OF LYONS, COLORADO**  
**RESOLUTION 2017-63**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LYONS APPROVING  
A CONTRACT FOR SALE BETWEEN THE TOWN OF LYONS AND JOHN B. BARANWAY  
TO PURCHASE THE PROPERTY LOCATED AT 104 5<sup>TH</sup> AVENUE, AUTHORIZING THE USE  
OF CDBG-DR BUYOUT PROGRAM GRANT FUNDS AND RATIFYING THE ACTIONS OF  
THE MAYOR AND TOWN ADMINISTRATOR IN COMPLETING SUCH PURCHASE, AND  
RATIFYING ALL PREVIOUS PURCHASES OF PROPERTIES PURSUANT TO  
THE CDBG-DR AND HMGP BUYOUT PROGRAMS**

**WHEREAS**, the Front Range Flood of 2013 caused extensive damage to many properties in the Town of Lyons (the “Town”), including but not limited to, numerous residential properties (the “Residential Properties”); and

**WHEREAS**, the United States Department of Housing and Urban Development allocated to the State of Colorado Community Development Block Grant - Disaster Recovery (“CDBG-DR”) funds for recovery efforts related to the Front Range Flood of 2013, for which the State of Colorado made a sub-allocation through the Department of Local Affairs (“DOLA”) to the Boulder County Collaborative; and

**WHEREAS**, Rounds 2 and 3 of the CDBG-DR funds allocated to the State of Colorado are administered through the Boulder County Collaborative, of which the Town is a member pursuant to an Agreement for Delegation of Activities effective February 23, 2016 through June 30, 2019, as amended; and

**WHEREAS**, the Town applied for and received grants from DOLA that provided the Town with CDBG-DR funds to acquire certain of the Residential Properties through the CDBG-DR Buyout Program, subject to the terms of duly executed grant agreements, and pursuant to the Agreement with the Boulder County Collaborative; and

**WHEREAS**, the Town also received Hazard Mitigation Grant Program (“HMGP”) funds from the Federal Emergency Management Grant Program for purposes of purchasing certain Residential Properties through the HMGP Property Acquisition Program; and

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

**WHEREAS**, in numerous prior resolutions, including but not limited to Resolutions 2014-91, 2015-36, and 2015-37, the Board of Trustees authorized the Mayor to grant signatory authority to the Town Administrator for numerous documents pertaining to the administration of CDBG-DR grant funds, including any documents required in connection with CDGB-DR Acquisition/Buyout grants, and the Mayor did grant such signatory authority (“Prior Delegation”); and

**WHEREAS**, the intent of the Prior Delegation was to ensure that the Town Administrator was vested with the authority to take all actions necessary to purchase property through the CDBG-DR Buyout Program; and

**WHEREAS**, to clarify the intent of the Prior Delegation, the Town Board of Trustees desires specifically to authorize the Town's purchase of the Property (the "Purchase") through this resolution and to authorize the expenditure of CDBG-DR funds to complete the Purchase; and

**WHEREAS**, the Town intends to use CDBG-DR Round 2 funds to acquire property located at 104 5<sup>th</sup> Avenue, Lyons, Colorado (the "Property"), pursuant to the CDBG-DR Buyout Program; and

**WHEREAS**, the Board of Trustees further desires to authorize the Mayor, Mayor Pro Tem, and the Town Administrator to execute all documents necessary to complete the Purchase including, without limitation, an offer letter, contract for sale, lease, and any and all documents necessary for closing, and to authorize the Mayor, Mayor Pro Tem, and the Town Administrator to take any and all actions necessary to close the Purchase, which closing occurred on April 28, 2017; and

**WHEREAS**, in the interest of completing the Purchase in a timely fashion, and in recognition of the intent of the Prior Delegation, the Board of Trustees desires to ratify the execution of all documents and the performance of all other actions necessary to close the Purchase by the Mayor, Town Administrator, and Town staff, including the expenditure of CDBG-DR funds for the Purchase; and

**WHEREAS**, notwithstanding the Prior Delegation or any other prior delegation of signatory authority to the Town Administrator for purposes of purchasing any of the Residential Properties using HMGP funds, the Board further desires to ratify all actions taken by the Town Administrator and Town staff to close purchases of eligible Residential Properties through the CDBG-DR Buyout Program or the HMGP Property Acquisition Program, including the signing of all documents necessary to complete such purchases and the expenditure of grant funds to accomplish such purchases.

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

Section 1. The Town Board of Trustees hereby approves and ratifies the execution of all documents necessary to close the purchase of 104 5<sup>th</sup> Avenue and the performance of all other actions necessary to close such purchase by the Mayor, the Town Administrator, and Town staff, and further approves and ratifies the expenditure of CDBG-DR funds to complete such purchase.

Section 2. The Board of Trustees hereby approves and ratifies all actions taken by the Town Administrator and Town staff to close purchases of eligible Residential Properties through the CDBG-DR Buyout Program or the HMGP Property Acquisition Program, including the signing of all documents necessary to complete such purchases and the expenditure of CDBG-DR and HMGP grant funds to accomplish such purchases, as applicable.

Section 3. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this resolution.

Section 4. This resolution shall be effective immediately upon approval of the Board of Trustees.

**ADOPTED THIS 1<sup>st</sup> DAY OF MAY 2017.**

TOWN OF LYONS

By: \_\_\_\_\_  
Connie Sullivan, Mayor

ATTEST:

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Debra K. Anthony, Town Clerk

APPROVED AS TO FORM:

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Kathie Guckenberger, Town Attorney