

**Town of Lyons, Colorado  
Board of Trustees  
BOT Agenda Cover Sheet  
Agenda Item No: VIII - 5  
Meeting Date: 10/21/19**

**TO:** Mayor Sullivan and Members of the Board of Trustees

**FROM:** Paul Glasgow, AICP

**DATE:** 10/17/19

**ITEM:** Resolution 2019-111, a Resolution of the Town of Lyons, Colorado Accepting Transfer of the Deed of the Martin Parcel from Boulder County to the Town of Lyons.

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ORDINANCE  
 MOTION / RESOLUTION  
 INFORMATION

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**I. REQUEST OR ISSUE:**

Boulder County requests the Board of Trustees consider accepting a special warranty deed to convey the property at 109 County Road 69, also known as the Martin Parcel, to the Town of Lyons.

**I. RECOMMENDED ACTION / NEXT STEPS:**

Staff recommends accepting the special warranty deed.

**II. FISCAL IMPACTS:**

Although the special warranty deed conveyance does not require the Town pay Boulder County, if conveyed, the Town would take on responsibility for maintenance of the property. The Deed Restricted Buyout Property Plan has a trail and open space design that would require some capital investment.

**III. BACKGROUND INFORMATION:**

The Martin Property was destroyed in the 2013 flood and subsequently acquired and remediated by Boulder County as part of the federal buyout program. As part of that program deed restrictions were placed on the property that restricts building on and profiting from the property. After the flood Boulder County and the Town agreed that upon request of the Town to transfer the parcel to the Town. Board of Trustees also adopted the Deed Restricted Buyout

Property Plan which recommended acquisition of the Martin Parcel and development as an open space parcel with a trail and improvements that align with the deed restriction.

#### **IV. LEGAL ISSUES:**

The property has deed restriction that are common for federal buyout properties.

The neighbor claims that there is no access to the property from county road 69, but the County has indicated it has historical

#### **V. CONFLICTS OR ENVIRONMENTAL ISSUES:**

The phase I Environmental site assessment states, "This assessment has not revealed any recognized environmental conditions on the Subject Property"

A letter from Boulder County identifies the following elements in the Boulder County Comprehensive Plan.

- Critical Wildlife Habitat #7, St. Vrain Corridor and wetlands
- Preble's Jumping Mouse Habitat – Mouse Management Area (highest habitat value designation)
- Riparian Habitat Connector (wildlife corridor)
- Riparian Area
- Adjacent to Indian Lookout Mountain High Biodiversity Area

Boulder County Parks and Open Space (BCPOS) seeking collaborative feedback by BCPOS resource management staff concerning the natural management of this land.

**PROPOSED MOTION:** "I move to approve Resolution 2019—111, a Resolution of the Town of Lyons, Colorado Accepting Transfer of the Deed of the Martin Parcel from Boulder County to the Town of Lyons."

#### **Attachments:**

1. Resolution 2019-111
2. SPECIAL WARRANTY DEED
3. SSVC at martin Parcel, post flood – images
4. Memo for Lyons on Transfer of DR and HMGP
5. 109 Phase I ESA
6. Lyons transfer of 109 CR 69 – a letter from Boulder County Parks and Open Space
7. Martin in DRBOP
8. 109 HMGP Appraisal 1
9. 109 HMGP Appraisal 2