

**TOWN OF LYONS, COLORADO  
RESOLUTION 2020-44**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING AN  
OPERATIONS AND MAINTENANCE AGREEMENT BETWEEN THE TOWN OF LYONS  
AND LYONS DITCH COMPANY**

**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 *et seq.*; and

**WHEREAS**, the Lyons Ditch Company (“Ditch Company”) has rights and obligations under Colorado law to operate and maintain for the benefit of its shareholders the Lyons Ditch No. 1 (the “Ditch”) and related diversion, transportation, storage and other structures and facilities and rights of way; and

**WHEREAS**, the Ditch crosses certain Town-owned property, including LaVern M. Johnson (Meadow) Park, described more fully in **Exhibit A**, and attached hereto, via rights-of-way and easements owned and maintained by the Ditch Company; and

**WHEREAS**, the Town and the Ditch Company desire to cooperate and to foster a positive working relationship that will enhance the health, safety and welfare of the residents of the Town and of the Ditch Company’s service area; and

**WHEREAS**, the Town and the Ditch Company each own, control and operate facilities that the other party may wish to utilize from time to time for the purpose of conveying water; and

**WHEREAS**, the Town previously entered into an agreement with the Lyons Ditch Company to assist with the operations and maintenance of the Lyons Ditch (“Lyons Ditch O & M Agreement”); and

**WHEREAS**, both parties desire to enter into a new O&M Agreement in order to document the rights and responsibilities of each party with regard to the facilities owned by the other; and

**WHEREAS**, the Lyons Board of Trustees desires to approve the Lyons Ditch O & M Agreement (the “Agreement”) in substantially the form attached hereto and incorporated by reference, and further desires to authorize the Mayor or Mayor Pro Tem to execute the Agreement.

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

Section 1. The above recitals are hereby incorporated by reference.

Section 2. The Board of Trustees hereby:

(1) Approves the 2020 Lyons Ditch O & M Agreement between the Lyons Ditch Company and the Town in substantially the form attached hereto as **Exhibit 1**;

(2) Authorizes the Town Administrator, in consultation with the Town Attorney, to negotiate and make such changes to the Lyons Ditch O & M Agreement as may be required to the extent they do not materially increase the obligations of the Town;

(3) Authorizes the Mayor or Mayor Pro Tem and the Town Administrator to execute such Agreement; and

(4) Authorizes Town Staff to take all actions necessary to implement the Agreement.

Section 3. This resolution shall become effective immediately upon adoption by the Board of Trustees.

**ADOPTED THIS 16<sup>th</sup> DAY OF March 2020.**

**TOWN OF LYONS, COLORADO**

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

**ATTEST:**

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Dolores Vasquez, Town Clerk

By: \_\_\_\_\_  
Town Attorney

**EXHIBIT 1**  
**2020 Lyons Ditch Operations and Maintenance Agreement**  
[*See attached*]