

TO: Mayor Angelo and Members of the Board of Trustees
FROM: Philip Strom, Interim Town Planner
DATE: May 17, 2021
ITEM: A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING A REVOCABLE LICENSE AND ACCESS AGREEMENT WITH KAREN CARLSON AND DAVID GOODYEAR (324 SEWARD)

ORDINANCE
 MOTION/RESOLUTION
 INFORMATION

I. REQUEST OR ISSUE:

Request by the owners of 324 Seward Street, Lyons, Colorado to utilize Town-property to access their property. This is a follow-up to the item discussed at the October 15, 2020 Board of Trustees meeting.

II. RECOMMENDED ACTION / NEXT STEPS:

The Board of Trustees authorize the Town to enter into a Revocable License and Access Agreement with the owners memorializing the terms and conditions of the authorization. The terms of the Agreement include, but are not limited to:

- \$10.00 consideration
- Five-year term
- Maintenance and snow removal is responsibility of licensee
- Express revocation
- Non-exclusivity
- Indemnification

III. FISCAL IMPACTS: None.

IV. BACKGROUND INFORMATION:

October 15, 2020 Board of Trustees Meeting

This item was presented to the Board of Trustees requesting a long-term permanent easement resulting in the Board of Trustees requesting staff to provide additional information and a consensus that a permanent easement would not be granted. One

specific request was to provide details of the access granted to Lyons Communications for the same Town-property.

Lyons Communications Access

The Town of Lyons conveyed a long-term leasehold interest to Lyons Communications for the “tank hill” property which includes a temporary non-exclusive access agreement for the same Town-property requested for access by the 324 Seward owners. The terms of the Lease include, but are not limited to:

- Approximately five-year term (April 17, 2018 to April 2, 2023)
- No rent payment
- Maintenance and snow removal is responsibility of tenant
- Indemnification

324 Seward Access Background

On September 22, 2020, the owners of 324 Seward emailed the Town requesting use of the Town-property abutting the east side of their property to access the rear portion of their lot, specifically with the intent to construct a new garage in the rear portion of their lot. The Town-property is a narrow, approximately 20 feet wide property with a two-track road for access to the Town-owned property known as “tank hill”. On October 15, 2020, the request was presented to the Board of Trustees as discussed above.

V. LEGAL ISSUES: None.

VI. SUMMARY AND ALTERNATIVES: None.

PROPOSED MOTION: “I move to approve Resolution 2021-54, a Resolution of the Town of Lyons, Colorado Approving a Revocable License and Access Agreement with Karen Carlson and David Goodyear (324 Seward).”

Attachments:

1. Map of area

ATTACHMENT 1. MAP OF AREA

