

TOWN OF LYONS BOARD OF TRUSTEES MEETING
LYONS TOWN HALL, 432 5TH AVENUE, LYONS, COLORADO

WATCH AT: WWW.TOWNOFLYONS.COM/LIVESTREAM

DRAFT AGENDA
MONDAY, FEBRUARY 2, 2026

WORKSHOP

5:30-6:00 pm Multi-jurisdictional Housing Authority Update
6:05-6:50 pm Building Codes, Contractor Licensing and Use Tax

7:00 pm BOARD OF TRUSTEES REGULAR MEETING

- I. Roll Call And Pledge Of Allegiance
- II. Land Acknowledgement / Reflective Moment Of Silence
- III. Approval Of The Agenda
- IV. Audience Business (In Person Only) & Follow Up
- V. Staff Reports (15 Min)
 - V.1. Boulder County Sheriff's Office Report
 - V.2. Administrator's Report

Documents:

[1 ADMIN REPORT 1-29-2026.PDF](#)
[SALES TAX UPDATE_02.02.2026.PDF](#)
[SFMG AWARD.PDF](#)
[DENVER_REGIONAL_COUNCIL_OF_Governments_Housing_Needs_Assessment_Memo_230_28_01_2026.PDF](#)

V.3. Legal Update

VI. Ordinances And Public Hearings

VI.1. 2nd Reading - Public Hearing – Ordinance 1203- An Ordinance Of The Town Of Lyons, Colorado, Approving The Rezoning Of 4651 & 4652 Ute Hwy From Commercial Eastern Corridor (CEC) To PUD CEC

(Continued from 1/20 BOT meeting)

Documents:

[COVER MEMO - 4651 AND 4652 UTE HWY PUD 1.20.25.PDF](#)
[1. ORD 1203 - PUD 4651 AND 4652 UTE HIGHWAY.PDF](#)
[2A. LAND USE APPLICATION FORM_LYONS PH AND MV PUD_07-30-025_SIGNED_REDACTED.PDF](#)
[2B. LYONS PEOPLES HOUSE AND MAKER VILLAGE_PUD WRITTEN STATEMENT_07-30-2025.PDF](#)
[3. LYONS PEOPLES HOUSE AND MAKER VILLAGE_PUD PLANS_12-30-2025.PDF](#)
[4. PUD USES EXHIBIT.PDF](#)

VI.2. 2nd Reading - Public Hearing – Ordinance 1196 – An Ordinance Of The Town Of Lyons, Colorado, Annexing The Property At 4497 Ute Highway To The Town Of Lyons

(Continued from 1/20/2026 BOT meeting)

Documents:

[COVER MEMO - ORD 1196 4497 UTE HIGHWAY ANNEXATION .PDF](#)
[ORD 1196 - 4497 UTE HIGHWAY ANNEXATION.PDF](#)
[PCDC RESO 18-2025 4497 UTE HIGHWAY ANNEXATION - SIGNED.PDF](#)
[4-LOI-STATEMENT OF NEED-4497.PDF](#)
[5-ANNEXATION PETITION.PDF](#)
[6-ANNEXATION MAP.PDF](#)
[10-THRIVE PLAN CONSISTENCY - 4497 UTE HWY.PDF](#)
[11-WATER RIGHTS LETTER-4497 UTE HWY.PDF](#)
[ANNEXATION IMPACT REPORT - 4497 UTE HWY.PDF](#)

VI.3. 2nd Reading – Public Hearing - Ordinance 1197- An Ordinance Of The Town Of Lyons, Colorado, Zoning 4497 Ute Highway Of The '4497 Ute Highway Annexation' To Commercial Eastern Corridor (CEC)

Continued from 1/20/2026 BOT meeting

Documents:

[COVER MEMO - 4497 UTE HIGHWAY INITIAL ZONING -.PDF](#)
[ORD 1197 - 4497 UTE HWY CEC.PDF](#)
[PCDC RESO 19-2025 4497 UTE HIGHWAY ZONING - SIGNED.PDF](#)
[4-LOI-STATEMENT OF NEED-4497.PDF](#)
[6-ANNEXATION MAP.PDF](#)
[10-THRIVE PLAN CONSISTENCY - 4497 UTE HWY.PDF](#)

VII. Consent Agenda

VII.1. Resolution 2026-07 – A Resolution Of The Town Of Lyons, Colorado, Approving A Policy Regarding Grant Submittals And Letter Of Support Guidelines

Continued from 1/20 meeting

Documents:

[RESO 2026-07 COVER MEMO GRANT POLICY.PDF](#)
[2026-07 RES GRANT APPLIC AND LETTERS OF SUPPORT.PDF](#)
[DRAFT GRANT SUBMITTAL AND LETTER OF SUPPORT POLICY 2026.PDF](#)

VII.2. Resolution 2026-08 - A Resolution Of The Town Of Lyons Approving An Intergovernmental Agreement Between The Town Of Lyons And The Clerk And Recorder For Boulder County For The Use Of A Ballot Box By The Town For The April 2026 Election

Documents:

[BOULDER COUNTY-IGA RE USE OF 24 HOUR DROP BOX BY LYONS 2026_FINAL.PDF](#)
[RESO 2026-08 COVER MEMO BOULDER CTY IGA.PDF](#)
[RESO 2026-08 IGA BOULDER COUNTY ELECTIONS BALLOT BOX.PDF](#)

VII.3. January 20, 2026 Regular BOT Meeting Minutes

Documents:

[JAN 20 2026 MINUTES.PDF](#)

VII.4. February Accounts Payable

Documents:

[BOT PAYABLES 2026 0202.PDF](#)
[UNPAID INVOICE REPORT 2026 0202.PDF](#)

VIII. Items Removed From The Consent Agenda

IX. Boards And Commissions

IX.1. LAHC Update - Municipal Flag Presentation

Documents:

[DESIGN ITERATIONS WITH NOTES.PDF](#)
[DESIGN ITERATIONS.PDF](#)

IX.2. HPC Update

Documents:

[HPC UPDATE 2.2.2026.PDF](#)

X. General Business

X.1. Discussion / Direction On Workshop: Multi-Jurisdictional Housing Authority Update

SEE WORKSHOP MATERIALS

X.2. Discussion / Direction On Workshop: Building Codes, Contractor Licensing, And Use Tax

SEE WORKSHOP MATERIALS

XI. Trustee Reports / Future Agenda Items

XII. Summary Of Action Items

XIII. Adjournment

"The Town of Lyons will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. Persons needing accommodations or special assistance should contact the Town at hr@townoflyons.com as soon as possible, but no later than 72 hours before the scheduled event."

TO: **Mayor Rogin and Members of the Board of Trustees**
FROM: **Victoria Simonsen, Town Administrator**
DATE: **January 29, 2026**
ITEM: **Administrator's Report**

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

The Town of Lyons will hold the next regular Municipal Election on Tuesday, April 7, 2026, to elect a mayor and six trustee seats on the Board of Trustees. The following candidates have been confirmed as having eligible nomination petitions:

Mayor: Mark Browning
Paula Williams

Trustee: Greg Lowell
Leigh Williams
Tanya Daty
Doug Matthews
Julie Jacobs
Amy Schwarz
Mike Schwieger
Mariah McCreary
Jen Wingard

Residents have until Monday, February 2nd at 4:30 pm to add a write-in candidate or to withdraw from the election ballot.

SS4A Grant Announcement: US 36 Foothills Bikeway

We have received notice from Boulder County that their application to the USDOT for the US 36 North Foothills Safety for All Project, through the FY25 Safe Streets and Roads for All (SS4A) Program, was not selected for funding.

They have requested a debrief with USDOT to better understand why the application was not awarded funds. We will use this feedback to inform future applications, including re-applying for SS4A. They strongly believe they submitted a competitive application that reflected our regional collaboration. They will continue to seek funding opportunities for this significant project!

The county also applied to the USDOT Build America Bureau's Rural and Tribal Assistance Pilot Program for funds to complete the bikeway's full design. They are still awaiting word on this award and will share the outcome when they receive it.

224 Seward Update

We have received an update from Boulder County Housing Authority that they plan to spend the \$200K of AAHT funding earmarked for 224 Seward in 2026. They plan to contract for a Market Rate Study and an Environmental Study of the property and host several Community Engagement sessions to gauge interest in home ownership versus rental units and the type of density the community and neighborhood are seeking. They will also be applying for rezoning, which will require surveying and other associated land use costs.

CDPHE Greywater Systems

CDPHE confirmed that they received a copy of the Town of Lyons' ordinance banning the installation of greywater systems. They also confirmed that, for now, they are collecting the ordinances and keeping a list of cities and counties that opt in or out.

Current Snowpack

From a January 23, 2026, Northern Water article:

https://www.northernwater.org/news/2026snowpack?utm_medium=email&utm_source=govdelivery.

This year's snowpack in the Upper Colorado River basin is at 57 percent of its average. The snowpack in the South Platte River basin is at 66 percent. This is important because the South Platte River basin provides the base water supply for the farms and cities of northeastern Colorado, and the Upper Colorado River basin supplies most of the water for the Colorado-Big Thompson Project, which supplements local supplies.

The good news: water storage in the [Colorado-Big Thompson Project](#) is above its 69-year average for this time of year, meaning water will be available for delivery during high-demand season. Also, there is still time for more snow to accumulate, building a larger snowpack for the year.

Tebo Property Update

The Tebo properties were annexed into the Town in April 2025. Since then, Town staff and Tebo's design team have met a few times to begin discussing the specifics of the redevelopment. At a high level, there are ongoing discussions with the Tamburello property owners regarding the location of shared access, preliminary conversations with CDOT regarding the location and design of vehicular access into the site and required upgrades to the intersection, and preliminary conversations with the two ditch companies that hold prescriptive easements affecting the ability to develop the property.

Staff continue to be responsive with inquiries and support for redevelopment. In the meantime, staff and Lyons Fire have been working with existing tenants to improve building safety. Numerous code violations have been remedied, and a few remain ongoing. Staff will continue to work on life-safety compliance with the businesses; however, the condition of the buildings themselves presents certain challenges that are difficult to remedy without substantial investment.

Update and Request for Assistance Re: CWRC Enforcement Support

Good Afternoon DFPC Partners,

I am reaching out to you all today because you indicated in the survey we sent out several months ago that your agency may need assistance from DFPC in enforcing the new Colorado Wildfire Resiliency Code. Based on all the information you've provided us, we've submitted what we think is a very reasonable supplemental budget request. Although the request would not completely fill the enforcement needs of our local partners as we understand them, it would begin to fill those needs by providing DFPC the spending authority necessary to employ three FTE this fiscal year, increasing to a total of 5 FTE next fiscal year and ongoing.

The Governor's office has been very supportive of this effort and approved moving forward with the request. Unfortunately, the Joint Budget Committee (JBC) again rejected the proposal during a hearing that was held yesterday. We have already filed a comeback request for the Committee to reconsider their decision.

As part of the comeback request, we are reaching out to you all for support. If you are willing to provide a letter or make a phone call to the members of the JBC to express your support of this request and communicate your community's need related to having these state resources available to you, please contact our Legislative Liaison, Natalie Seils, who is included in this email. Natalie will coordinate your efforts and help ensure that your outreach is delivered at a time that will be most impactful to the Committee's reconsideration of this request.

As always, thank you so much for your continued partnership and, hopefully, together we will be able to convince the JBC that this request is needed and necessary. Please let me know if you have any questions and thank you in advance. Have a wonderful weekend.

Very Respectfully,

Christopher Brunette, MS
Chief
Fire & Life Safety Section



COLORADO

**Division of Fire
Prevention & Control**

Department of Public Safety



Fire
Marshal

O:303-239-4100

C:720-724-4767

We've moved! We're now located at:

1697 Cole Blvd, Unit 200, Lakewood, CO 80401

chris.brunette@state.co.us | <https://dfpc.colorado.gov/>

Pursuant to Colorado's Open Records Act (CORA), all e-mails sent by or to me on this state-owned e-mail account may be subject to public disclosure.



From the American Public Power Email Brief January 26, 2026

In a report accompanying a fiscal year 2026 appropriations bill for the Department of Homeland Security, House and Senate appropriators are demanding answers about the Federal Emergency Management Agency, and warning the Administration against the massive layoffs and reorganization the president is reportedly considering.

Report language is not binding, but it is as clear an indication of congressional intent as can be found in the legislative process, the American Public Power Association noted.

The bill, H.R. 7148, Consolidated Appropriations Act, 2026, was agreed to by House and Senate Republican and Democratic leaders of the Appropriations Committees and released earlier this week. It is expected to come to a vote by the full House this week.

Overall, the bill would increase FEMA funding by \$4.7 billion – up from \$32 billion – for fiscal year 2026, which began on October 1, 2025. The total includes \$26.4 billion for the disaster relief fund – roughly in line with the levels the Trump administration and congressional appropriators proposed last year.

The report states that FEMA “shall maintain staffing levels, including a reservist workforce and its Cadre of Response/Recovery Employees, necessary to fulfill the missions required under the Homeland Security Act.”

It also states, in relation to the President’s FEMA Review Council, that “FEMA shall not implement an elimination or reorganization plan for the Agency or any proposal to inhibit the performance of the Agency’s functions and activities funded by this Act without an act of Congress permitting such measures.”

The report is also demanding answers, including language telling FEMA to report to the Appropriations Committees on:

- The status of hazard mitigation grants;
- The status of Building Resilient Infrastructure and Communities (BRIC) grants;
- The specific rationale used to cancel BRIC grants and the effect of those terminations; and
- The rationale for disaster declarations and denials in the last year.

The report comes as the House Transportation & Infrastructure Committee works to build support for **H.R. 4669, the Fixing Emergency Management for Americans (FEMA) Act of 2025**. It also focuses on fixing FEMA and is staunchly supported by APPA. APPA is asking its members to reach out to their congressional delegations in the House to join in cosigning a letter to House leaders in support of H.R. 4669.

“Members of the House have until January 27 to join in signing a letter in support of H.R. 4669, the Fixing Emergency Management for Americans (FEMA) Act of 2025. APPA strongly supports the bill, which is intended to greatly simplify and expedite public assistance grants in the wake of an emergency or major disaster, and is asking members to ask their delegation to join in signing it.

The letter is being led by Representatives Chuck Edwards (R-NC) and Don Davis (D-NC). ”

Adventure Van Expo

The sponsors of the Adventure Van Expo (who attended the January 5 BOT meeting) have decided to pursue another location after working with the venue on the layout for Bohn Park. The town offered all parking in Bohn Park, as well as at the 2nd Ave Trailhead. The sponsor wants all vehicles parked on the grass field, and not in the parking lot. This presents a problem for the facilities due to the crushing of irrigation heads and the potential of wet weather ripping up the fields.

Community Foundation of Boulder County (CFBC) Update

Following BOT action on January 5th, the CFBC responded with the following:

Thank you so much for the update, and for bringing the discussion to the Board of Trustees. We really appreciate the thoughtful way the Town has approached this conversation, and we understand the Board's decision not to make additional deposits at this time.

Given the turnover in leadership every two years, and the ongoing need for mental health support, I'd like to offer one additional path that might give the Town maximum flexibility moving forward: **Rather than closing the fund or leaving it inactive, we could convert it to a designated fund that remains open for contributions from anyone in the community.**

This option allows the fund to stay available in case a future Board wants to contribute again, offers community members, businesses, and philanthropic partners the opportunity to support mental health efforts in Lyons if they choose, and the Town to **retain the fund's purpose and identity without any obligation to contribute annually.** It's a light-touch way to keep the door open for the future, especially as needs evolve and new local leaders or organizations may want to participate.

We're completely supportive of whichever direction the Town chooses, but I didn't want to miss the opportunity to share this option in case it serves your long-term goals better than termination or inactivity.

We value our work with the Town of Lyons, and we're grateful for the partnership we've built. Please let us know how you'd like to proceed or if you'd like to talk this through together.

We would update the fund agreement, which is simple to do, and the person signing the agreement could be a member of the board or a member from the community. It doesn't have to be signed by the Town, but certainly can be.

Staff are seeking direction from the trustees.

2025 Annual Report Update:

Staff are working toward the final completion of the 2025 Annual Report. A few local reports are still outstanding; reminders have been sent. Staff anticipates the report will be finalized by February 6, with public publication planned for the week of February 9.

Old Man Winter Rally Coordination & Road Closures:

Staff is working closely with the Old Man Winter Rally crew, Boulder County, and the Boulder County Sheriff's Office to coordinate logistics for the Old Man Winter Rally—Bike and Run event on Sunday, February 1, 2026.

As part of the approved special event permit, 2nd Avenue will be closed to vehicle traffic from the Bohn Park entrance north to Park Street from 8:30 a.m. to 4:30 p.m. Residents will need to use McConnell Drive during the detour. The closure will be signed and staffed by the Boulder County Sheriff's Office, with all sheriff service fees paid by the event organization. Residents along the route have been notified via door hangers.

Tourism Management Grant Application:

Staff submitted a Tourism Management Grant application by the January 23, 2026, deadline. The proposed project would raise awareness of the town's sandstone and quarry history and further develop heritage tourism opportunities in Lyons. The Tourism Management Grant program is highly competitive and supports tourism-related projects that enhance, develop, or manage visitor experiences in Colorado. Grant award notifications are expected in early March.

Boulder County Sustainability Grant Award:

Staff have received notification of a \$15,000 grant award for FY 2026 from the Boulder County Sustainability Grant Program. Funds will be used to support the costs for the conversion of public streetlights to LED fixtures, which the BOT had approved in the 2026 budget, and will help to improve energy efficiency and reduce long-term operational costs, while enhancing safety.

Wayfinding Signage Update:

The final two wayfinding signs to be installed within the CDOT right-of-way have been approved by CDOT and are now fabricated. Installation is planned for the coming week, weather permitting, with warmer temperatures anticipated. Wayfinding signage was identified by the Economic Vitality Commission as a priority to support local businesses, and staff leveraged an additional \$33,000 in State and County grant funding to cover fabrication and installation costs.

Utility Bill Newsletters

Stay informed, Lyons. Each Utility Bill Newsletter is sent monthly to all Town utility customers. If you miss it, we encourage you to review the newsletter for updates and information. Current and past utility bill newsletters, along with the Town's e-newsletters, are available on the Town website.

<https://www.townoflyons.com/Archive.aspx?AMID=38>

All eblasts are also posted on the Town website

<https://www.townoflyons.com/list.aspx?PRVMSG=247>

Recreation Programs

Spring and summer leagues, classes, and camps are open for registration. Sign up for Girls Recreational Softball, Youth Recreational Baseball, Kids Mountain Biking, Square State Skate Skateboard Lessons, Lyons Creek Summer Camps, Challenger Soccer Camp, Adult Basketball, Senior Bus Trips and more!

Learn more: www.townoflyons.com/Recreation

Blood Drive

The Town of Lyons and the Lyons Regional Library are hosting a community blood drive on Wednesday, February 25, 2026, from 1:30 - 4:45 pm. Please [sign up to donate blood](#) today!

[Link to sign up](#) or use QR code



Wastewater Facility Issues

The town hired a hauler to transport sludge three times while the centrifuge was down, at a cost of just under \$13,000. Operators are still running the machine at a lower speed. The most recent labs still show the cake around 14.5% dryness, which is in the typical range, and we are not seeing an increase in hauling from heavier loads.

CDOT ADA Curb Replacement Project

The Colorado Department of Transportation and its contract partner, Goodland Construction, Inc., continue their Americans with Disabilities Act curb ramp replacement project. The impacts within the rights-of-way (especially public gardens) are quite significant.

Work Schedule: Monday-Wednesday between 7:00 am and 5:00 pm

Lane Closures: Single lane closures and shoulder closures at each curb ramp

Curbside Limb Pick Up

The recent curbside limb pickup was completed in two days, at a cost of \$3,200, by Baer Forestry. The town will continue to partner with Boulder County Wildfire Partners, the Lyons Fire Protection District, and Paul Tamburello whenever possible to offer free drop-off events throughout 2026.

More Graffiti

The recent graffiti spree occurred throughout the town and under most bridges. What staff could not remove was contracted to The Tendit Group for \$2,282.50. The sheriff has an open investigation, and these charges will be included in any restitution that can be collected.

Upcoming Meetings and Events

Feb 1	9:00 am	Old Man Winter Rally at Bohn Park
Feb 2		Last Day for Write-In or Withdrawal for Election
	5:30 pm	Board of Trustees Workshop
	7:00 pm	Board of Trustees Regular Meeting
Feb 4	4:30 pm	UEB Meeting at Town Hall
Feb 9	4:30 pm	HHSC Meeting at Library
	6:00 pm	PCDC Meeting at Town Hall
	6:00 pm	PRC Meeting at Library
Feb 10	4:30 pm	LAHC Meeting at Library
Feb 11	6:00 pm	Consortium of Cities Boulder County Courthouse
Feb 12	3:30 pm	Student Advisory Commission at Town Hall
	6:30 pm	SFC Meeting at Library
Feb 16		President's Day Holiday – Town Hall Closed
Feb 17	5:30 pm	BOT Workshop
	7:00 pm	BOT Regular Meeting

Monthly Sales Tax Comparison									
Sales Month	Month Paid to Town	2023 Original 3.5%	2024 Original 3.5%	2024 Additional 0.5%	2024 Total Sales Tax	2025 Original 3.5%	2025 Additional 0.5%	2025 Total Sales Tax	
January	March	\$ 91,353	\$ 117,359	\$ -	\$ 117,359	\$ 124,851	\$ 16,436	\$ 141,287	
February	April	\$ 116,042	\$ 113,602	\$ -	\$ 113,602	\$ 123,143	\$ 16,335	\$ 139,478	
March	May	\$ 122,988	\$ 128,713	\$ -	\$ 128,713	\$ 142,468	\$ 18,653	\$ 161,121	
April	June	\$ 121,024	\$ 136,661	\$ -	\$ 136,661	\$ 145,370	\$ 19,100	\$ 164,470	
May	July	\$ 149,312	\$ 149,973	\$ -	\$ 149,973	\$ 161,910	\$ 21,070	\$ 182,980	
June	August	\$ 162,993	\$ 176,566	\$ -	\$ 176,566	\$ 182,833	\$ 23,703	\$ 206,536	
July	September	\$ 205,289	\$ 203,704	\$ 26,378	\$ 230,081	\$ 216,963	\$ 28,753	\$ 245,716	
August	October	\$ 196,445	\$ 216,029	\$ 28,157	\$ 244,186	\$ 217,730	\$ 28,889	\$ 246,619	
September	November	\$ 173,072	\$ 187,113	\$ 24,323	\$ 211,436	\$ 192,310	\$ 25,479	\$ 217,789	
October	December	\$ 139,845	\$ 167,522	\$ 21,721	\$ 189,243	\$ 158,432	\$ 20,767	\$ 179,199	
November	January	\$ 129,808	\$ 143,964	\$ 18,867	\$ 162,831	\$ 148,866	\$ 19,835	\$ 168,701	
December	February	\$ 127,617	\$ 163,924	\$ 21,606	\$ 185,530				
TOTAL		\$ 1,735,787	\$ 1,905,130	\$ 141,051	\$ 2,046,181	\$ 1,814,876	\$ 239,021	\$ 2,053,896	

The sales tax revenue information presented here is through January 2026 (for November 2025 sales). Sales tax is received from the State of Colorado around the 10th of each month. Retail marijuana tax not remitted to the State is due to the Town on the 20th of each month.

- July 2024 is the first month the Town received sales tax revenue from the additional 0.5% tax approved by the voters
 - For comparison purposes to the prior years tax, this 0.5% is segregated out in the table
 - As a reminder, the additional 0.5% is to be used for capital improvements ONLY
- The original 3.5% sales tax revenue for **November sales was 3.40% (\$5,870) higher than in 2024**
- The **year-to-date sales tax revenue** for the original 3.5% tax was **4.23% (\$78,000) higher than in 2024**
- The sales tax figures also include the Town's portion of the State's marijuana tax received each month
 - A reduction in this amount was approved and took effect on July 1, 2025. This reduces the amounts remitted to the local municipalities from 10% to 3.5%

- Staff estimates the impact to the annual sales tax numbers to be a reduction of \$25,000
 - The estimated impact to 2025 will be approximately half of that amount due to the timing of the reduction

Town of Lyons 2025 Sales Tax Local Businesses vs. Non-Local Businesses						
Sales Month	Month Paid to Town	2025 Total Sales Tax*	2025 Local	2025 Non Local	2023 Local	2024 Local
January	March	\$ 141,287	46%	54%	51%	56%
February	April	\$ 139,478	50%	50%	51%	48%
March	May	\$ 161,121	47%	53%	55%	53%
April	June	\$ 164,470	50%	50%	55%	49%
May	July	\$ 182,980	55%	45%	57%	55%
June	August	\$ 206,536	56%	44%	60%	58%
July	September	\$ 245,716	61%	39%	68%	66%
August	October	\$ 246,619	62%	38%	69%	62%
September	November	\$ 217,789	55%	45%	58%	59%
October	December	\$ 179,199	54%	46%	55%	52%
November	January	\$ 168,701	43%	57%	49%	43%
December	February				51%	42%

*Total sales tax includes taxes collected from retail marijuana

This table illustrates the approximate percentage of sales tax generated by local businesses vs. non-local businesses. The sales tax amount also includes the taxes collected on retail marijuana that are paid directly to the State and to the Town of Lyons. Non-local businesses can be online businesses, mobile vendors/catering, deliveries from out-of-town companies, natural gas (Xcel), etc.

- Approximately 43% of the sales tax revenue received in January for sales in the month of November can be attributed to local businesses. This percentage is similar to 2024 for sales in the month of November.
 - This percentage tends to fluctuate seasonally due to the summer sales tax months, including revenue generated through local festivals and weddings which contribute to the higher local sales tax percentages during those timeframes
 - The local business-generated sales tax typically fluctuates between 50% - 65%, however, in recent months the local business percentage has somewhat declined
 - A lower percentage can be illustrative of the impact of online and/or delivery sales

Late Sales Tax

- 1 local business is 1 month behind on sales tax payments. This situation will continue to be monitored.

Local Marijuana Tax
Historical Revenue*

Sales Month	2023	2024	2025
January	\$ 5,194	\$ 7,398	\$ 7,537
February	\$ 5,750	\$ 7,423	\$ 6,767
March	\$ 8,124	\$ 8,931	\$ 9,153
April	\$ 7,387	\$ 8,909	\$ 8,975
May	\$ 11,243	\$ 11,664	\$ 11,090
June	\$ 14,913	\$ 14,464	\$ 13,009
July	\$ 17,490	\$ 14,661	\$ 14,201
August	\$ 16,223	\$ 14,563	\$ 14,034
September	\$ 15,458	\$ 10,965	\$ 12,630
October	\$ 8,709	\$ 11,905	\$ 11,824
November	\$ 9,328	\$ 9,150	\$ 9,065
December	\$ 9,382	\$ 9,756	
TOTAL	\$ 129,202	\$ 129,790	\$ 118,286

*Revenue includes only the Town of Lyons Local MJ Tax of 5.0%

**The local tax rate increased from 3.5% to 5.0% in May 2023

The Town has a local marijuana tax in the amount of 5%. This tax is remitted directly to the Town and is due on the 20th of each month. The Town has 3 local marijuana businesses that remit the tax. This tax is also included in the sales tax figures in the previous slides. It should be noted that this tax is different from the marijuana tax received from the State that is scheduled to decrease in July.

In 2025, the Board of Trustees granted approximately \$32,000 of this revenue to the Boulder Foundation, which is distributed to LCF, to be used towards community substance abuse and mental health programs in the Town.

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Strategic Fuels Mitigation Grant Program Awards Local Agencies Over \$685,000 for Wildfire Mitigation

The fuels reduction projects will treat nearly 400 high-risk forest and grassland acres throughout the county

Boulder County, Colo. – The Boulder County Commissioners have approved the distribution of over \$685,000 in awards for the Fall 2025 cycle of the Strategic Fuels Mitigation Grant (SFMG) program.

The grants will be matched by more than \$950,000 from partner agencies, increasing the scale and impact of the work. The fuels reduction projects will treat nearly 400 high-risk forest and grassland acres throughout the county.

Five grants were approved for funding. Recipients include:

- Colorado State Forest Service (2 projects)
 - Crescent Park Fuels Reduction Project
 - Eldorado Canyon - Kneale Road Project
- The Watershed Center (2 projects)
 - Girl Scout Camp Mitigation Project
 - Plateau Road Grazing Project
- Town of Lyons Fuels Reduction Project

"We are so pleased to receive SFMG funding so we can significantly expand our wildfire mitigation work in town limits," said Mayor Hollie Rogin, from the Town of Lyons, one of this cycle's award recipients. "With this grant, the Town can double our impact when we reduce fuels in neighborhoods, near schools, and on town-owned open space. We are grateful to be able to strengthen our long-term community resilience."

Since its inception in the fall of 2023, the SFMG program has granted nearly \$5.4M to local fire protection districts, municipalities, and community organizations to fund treatment on over 2,800 acres.

The SFMG program is funded by the county's Wildfire Mitigation Tax, approved by voters in November 2022. View more information on the [Boulder County Strategic Fuels Mitigation Grant Program webpage](#), or contact Meg Halford, Wildfire Partners Forest and Grasslands Project Coordinator, at mhalford@bouldercounty.gov or 720-564-2843.



Before, left, and after photos of a densely overgrown forest area at the Cal-Wood Education Center in Jamestown, from the fall 2024 cycle of the Strategic Fuels Mitigation Grant program.

Boulder County wants to ensure that everyone has equal access to our programs, activities, and services. To request an Americans with Disability Act (ADA) accommodation, please email ada@bouldercounty.gov, or call 303-441-1386. If you need help in another language, please email cppfrontdesk@bouldercounty.gov or call 303-441-3930.



January 21, 2026

Shelia Lynch, Division Director
Denver Regional Council of Governments
1001 17th St., Suite 700
Denver, CO 80202

Hello DRCOG Member Government,

Congratulations! The Department of Local Affairs (DOLA) has reviewed the DRCOG regional Housing Needs Assessment (HNA) submission and associated documentation for their compliance with SB24-174 Sustainable Affordable Housing. Based on the information submitted, DOLA is pleased to confirm the acceptance of the regional HNA submitted by DRCOG pursuant to the requirements of C.R.S. § 24-32-3704. You can view or download your submission by visiting luhip.colorado.gov/login.

Each jurisdiction which participated in the DRCOG HNA will be listed as “Compliant” for the HNA requirements of SB24-174. This status is retained until the next compliance reporting period or until any local action is taken that conflicts with or contradicts the requirements of SB24-174.

The following DRCOG member governments met their HNA obligations on the following dates:

- Adams County - August 5, 2025
- Arapahoe County - August 12, 2025
- City of Arvada - August 15, 2025
- City of Aurora - September 9, 2025
- Boulder County - September 2, 2025
- City of Boulder - August 7, 2025
- City and County of Broomfield - August 26, 2025
- City of Castle Pines - August 19, 2025
- Town of Castle Rock - August 19, 2025
- City of Centennial - July 15, 2025
- Clear Creek County - August 5, 2025
- Douglas County - September 9, 2025
- City of Englewood - August 25, 2025
- Town of Erie - August 12, 2025
- City of Federal Heights - August 9, 2025
- Town of Firestone - September 10, 2025





- Town of Frederick - September 2, 2025
- Gilpin County - August 19, 2025
- City of Glendale - August 5, 2025
- City of Idaho Springs - August 11, 2025
- Jefferson County - August 26, 2025
- City of Lafayette - September 2, 2025
- City of Lakewood - July 28, 2025
- City of Littleton - August 12, 2025
- Town of Lochbuie - August 19, 2025
- City of Lone Tree - August 5, 2025
- City of Louisville - August 19, 2025
- Town of Lyons - September 2, 2025
- Town of Mead - August 11, 2025
- City of Northglenn - July 28, 2025
- Town of Parker - August 11, 2025
- City of Sheridan - August 25, 2025
- Town of Superior - August 11, 2025
- City of Thornton - August 26, 2025
- City of Westminster - August 18, 2025
- City of Wheat Ridge - August 18, 2025

Additional Requirements

SB24-174 may require the creation of additional documentation, including water supply needs and strategic growth elements found in comprehensive plans (due by December 31, 2026) and a Housing Action Plan (due by January 1, 2028). To determine if your jurisdiction must create these additional documents, please consult DOLA's Multi-Law Applicability list, linked at dlg.colorado.gov/state-land-use-and-housing-legislation. This resource (available as both a downloadable table and interactive online map) shows which laws and requirements, including SB24-174, jurisdictions are subject to.

Please contact Mark Williams at mark.l.williams@state.co.us or 720-793-2405 with any questions or technical assistance inquiries related to SB24-174 requirements and documents. Information regarding the process for identifying a jurisdiction's priority for certain state funding opportunities is governed by Executive Order (EO) D 2025 005 and EO D 2025 011, and further explained in the Compliance Framework and Guidelines EO D 2025 005. And, finally, a copy of this determination letter will be mailed to your jurisdiction via the United States Postal Service for your records.





Respectfully,

Eugene D. Howard, AICP
Unit Manager | Land Use Planning & Housing
Community Development Office

Cell: (720) 827-8231
1313 Sherman St., Rm. 521, Denver, CO 80203
eugene.howard@state.co.us | dlg.colorado.gov | Legislation Resources



Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: VI.3.
Meeting Date: February 2, 2026

TO: Mayor Rogin and Members of the Board of Trustees

FROM: Lisa Ritchie, AICP, Planning and Building Director

DATE: January 29, 2026

ITEM: 2nd Reading and Public Hearing – Ordinance 1203 – An Ordinance of the Town of Lyons, Colorado, approving the rezoning of property located at 4651 and 4652 Ute Highway from Agricultural and Commercial East Corridor to Planned Unit Development – CONTINUED FROM JANUARY 20, 2026

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

I. **REQUEST OR ISSUE:** Staff are requesting consideration of an Ordinance approving the rezoning of property to Planned Unit Development (PUD) for the properties located at 4651 and 4652 Ute Highway. The PUD would serve as the underlying zoning for the properties and would be the basis for future development.

Aerial image of the properties at 4651 and 4652 Ute Highway



II. PROJECT HISTORY: The properties formerly contained structures supporting Longmont's water treatment systems, along with former BNSF property that fronts Ute Highway on the southern portion of the overall site. Following abandonment and decommissioning by BNSF and Longmont, the Town of Lyons acquired the properties. Over the years 2019-2021, the applicant, Lyons Ute Highway, LLC, represented by Paul Tamburello, entered into an agreement and subsequent amendments with the Town to acquire the three properties. The properties have undergone remediation and some degree of restoration, including removal of previous structures on the northern lot, and floodplain restoration on the southern lot.

III. PLANNED UNIT DEVELOPMENT DESCRIPTION: The applicant, Lyons Ute Highway LLC, represented by Paul Tamburello and Rene Doubleday, requests approval of a Planned Unit Development for the three lots. The PUD would serve as the zoning for the properties and set the uses and development standards for all future development. The following describes the primary components of the PUD:

Proposed Uses:

The application relies on the existing [Commercial East Corridor \(CEC\) zone district](#), with some revisions, to establish permitted uses and uses approved by Special Review. The CEC zone district was established to regulate development along Highway 66 on the eastern side of Lyons. The uses in the zone district were last evaluated comprehensively by the Town in 2013 when the Special Review process and uses were developed.

The PUD proposes the following uses and associated approvals (see attached spreadsheet for complete list):

- Allow by-right all uses that are by-right in the CEC zone district
- Allow the following uses by Special Review in the PUD that also require a Special Review in the CEC zone district
 - Gasoline Station
 - Kennel
 - Telecommunications Facility
 - Restaurant and/or bar with a drive-up window for food or beverage service, or that otherwise serves food or beverages to customers parked in motor vehicles, or a restaurant or bar with more than 4,000 sf
 - Light Industrial required to hold operating permits for air emissions with CDPHE
 - Solar Garden
- Allow the following uses as by-right in the PUD where the CEC zone district requires Special Review:
 - Automobile, boat, and motorcycle rental and sales (outdoor sales area limited to 5,000 sf without Special Review)
 - Hotel or Motel, large
 - Campground, south side only
 - Dog day care facility, north side only
 - EV Charging Station
 - Event Center, large
 - Light industrial use (note that light industrial uses that are not required to hold air emissions permits with CDPHE are allowed by right in CEC)
 - Mini-storage facility, north side only
 - Retail establishment, large
 - Automotive and motorcycle repair (minor only as use-by-right)

- Mixed-use building (a building with at least 50% of the total gross floor area of the building consisting of residential uses, all of which are located on the upper floors.)
- Proposed new by-right uses in the PUD
 - Arts and cultural facilities and services
 - Assisted living facility
 - Business use
 - Car Wash, north side only
 - Caretaker residence
 - Church
 - Community garden
 - Health and wellness
 - Natural medicine
 - Nonprofit organization facilities and services
 - RV storage, north side only
 - Small manufacturing facility with fewer than 10 employees

The applicant requests the removal of the Special Review requirement for the uses listed above, noting that when the CEC zone district was originally established, the Town did not have the criteria for approval of Major Development Plans, nor had the Town's Commercial Design Standards been adopted.

The Special Review process includes the following criteria for approval in Section 16-7-35:

1. *The use shall satisfy all applicable provisions of this Chapter, design standards and subdivision regulations.*
2. *The use shall conform with or further the goals, policies and strategies set forth in the Comprehensive Plan.*
3. *The use shall be compatible with existing surrounding uses and enhance the community's character and conform with the Sustainable Design and Development Principles of the Comprehensive Plan. Compatibility should be evaluated by considering the magnitude, scale and diversity of product types in any given proposal so that no single project or combination of projects detracts from the character of the community.*
4. *The use shall result in efficient on-site and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.*
5. *Potential adverse impacts of the use on the neighborhood and the environment shall be adequately mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods.*
6. *The use avoids placing unreasonable financial burdens on the Town, such as police services and public facilities.*
7. *The proposed development shall conform with all applicable local, state and federal regulations.*
8. *The use shall not create more noise, dust, odors, vibrations, lights, traffic or parking than is customary for the zone district in which the USR is proposed, or such increased impacts can be adequately mitigated.*

The Town's criteria for approval of Development Plans are found in [Section 16-17-30](#) and include provisions for compatibility, adequate provision of services, compliance with the Comprehensive Plan, and many others similar in nature to the Special Review criteria listed

above.

Additionally, the Town's Commercial Design Standards criteria for approval are found in [Chapter 16, Article 6](#), and include provisions for compatibility with the surroundings and mitigation of impacts from the development.

Additional analysis on this portion of the application is provided below.

Design and Development Standards

The PUD requires that all development shall comply with the Commercial Design Guidelines in the Lyons Municipal Code. Additionally, the PUD allows the following amendments to the CEC development standards:

Development Standards	CEC Zone District	PUD application
Setbacks		
Front	25'	0'
Rear	25'	0'
Side, if abutting A, E, R-1, R-2, R-2A, or R-3	3x height of proposed building	0'
Side, all other conditions	5'	0'
Height		
General	40'	40'
Hospitality	40'	54'
Existing Structures	Existing height	47'
Number of Stories		
General	Not included	3
Hospitality and Existing Structures	Not included	4

The PUD proposes the following parking regulations that vary from the Lyons Municipal Code:

Off-Street Parking Ratios:

- Adaptive Reuse of Existing Structures: 0.5 spaces per 1000 sf, maximum of 50
- Camping, Hospitality/Multi-unit housing: 1 space per unit
- Rooftop Decks and Outdoor Gathering Spaces: Exempt from Parking

The PUD includes a note that indicates some uses may require a parking management plan, which will be evaluated at the time of any Major Development Plan.

The remainder of the PUD plan set includes the plan for both the northern and southern properties. At this time, no specific development is proposed, and any future improvements will require Major Development Plans to review architecture, site lighting, landscaping, parking, etc. The PUD allows, but does not require, rehabilitation and use of existing structures on the property.

Access to the site requires compliance with the Highway 66 Access Control Plan, or as otherwise approved by the Town and CDOT. The PUD also notes that access to the Town's Public Works facility directly north of the property shall be maintained, although it may be modified from its current condition with approval by the Town. Finally, the PUD includes a note that indicates future development will not impede access to the planned St Vrain Greenway

Trail.

The southern portion of the site is largely impacted by the regulatory floodplain. The PUD includes the current mapped areas, and any future development will be required to comply with applicable floodplain requirements in effect at the time of development.

It is important to understand that any future development on the properties will require approvals of one or more Major Development Plans through public hearings before PCDC and the Board, which will allow the Town to review architecture, site design, compatibility, landscaping, circulation, lighting, etc.

IV. STAFF ANALYSIS: The application is subject to Section 16-4-90. General Review Criteria for Planned Unit Developments. This section includes staff analysis of the applicable standards and guidelines:

1. The PUD Plan is generally consistent with the Lyons Comprehensive Plan. The decision-making body shall weigh competing Comprehensive Plan goals, policies, and strategies and may approve a PUD Plan that provides a public benefit even if it is contrary to some of the goals, policies, or strategies in the Comprehensive Plan.
- The [Lyons Thrive 2023 Comprehensive Plan](#) includes the following applicable goals:

Goal TSM-1: Build Lyons' reputation as a destination for outdoor recreation, arts and culture, and heritage tourism.

Goal NE-1: Promote the responsible stewardship of natural systems, processes, and resources in Lyons and the surrounding regions.

Goal NE-2: Emphasize the conservation of Lyons' natural resources in public and private investments and decision-making.

Goal LU-2: Provide opportunities for a balanced, and fiscally and environmentally sustainable mix of land uses.

Goal LU-3: Promote a built environment that reinforces Lyons' identity and small-town feel

Policy LU-3.3: Support the use of creative strategies to revitalize vacant, blighted, or otherwise underutilized structures and buildings, including: adaptive reuse of existing buildings, infill of existing surface parking lots, integration of live-work space, and/or public/private partnerships.

Further, the [2016 Lyons Primary Planning Area Master Plan](#) includes the following vision for the area:

The vision for the Eastern Corridor Subarea is . . . a commercial and employment-anchored gateway with uses including retail, restaurant, and lodging operations serving daytime and nighttime populations as well as visitors to, and travelers through, the community. Established residential neighborhoods beyond the US 36 and SH 66 corridor will host a range of housing product types addressing the lifestyle needs of households at different price points. Natural amenities will be enhanced and protected and the quality and character of physical improvements informed by established and amended standards for development.

Generally, the area within this PUD is identified as a Gateway Business District, with the intent for commercial and office uses, lodging and/or an RV resort, small lot residential, and mixed industrial and office, including artisan live-work.

The Eastern Corridor is one of only a few locations in either the Town or the LPPA with the potential to support revenue-generating commercial operations, including retail outlets, restaurants, and lodging facilities. It is recommended that properties with highway frontage or adjacency be retained for these types of uses. Due to the numerous constraints identified in this plan, the Eastern Corridor is also one of the few locations that can accommodate the Town's needs for governmental uses (e.g. public works building) and affordable housing. Wherever possible, these types of uses should either be integrated into a single building with other uses or located outside of prime commercial space/highway frontage. Furthermore, there are opportunities in the Eastern Corridor for light-industrial, service-oriented businesses and other uses that would be better located near the east end of the Highland Drive loop, away from the prime commercial area at the intersection of US 36 and SH 66.

- *The approval of the PUD either supports or does not directly conflict with the Comprehensive Plan. Because the PUD does not propose specific development at this time, much of the impact to the natural environment will be understood at a future date, which requires approval of Development Plans and conformance with the Town's design standards. The PUD accommodates a mix of commercial, recreational, hospitality, and light industrial uses, all of which are referenced in the applicable guiding documents.*
- 2. The PUD Plan complies with all applicable district-specific standards and PUD development/design standards.
 - *The PUD plan does not propose specific development at this time. The PUD proposes changes to certain development standards; however, compliance with the Commercial Development Design Standards is required. Future development will require approval of a Major Development Plan, which provides the opportunity to evaluate improvements.*
- 3. The PUD Plan shall comply with all standards, requirements, and specifications for provision of the following services: water; sewer; electricity; gas; public transit; trash collection and recycling; storm drainage; floodplain; telecommunications; streets/pedestrian system; fire protection; and cable television.
 - *The PUD plan does not propose specific development at this time. The PUD proposes changes to certain development standards; however, compliance with the Commercial Development Design Standards is required. Future development will require approval of a Major Development Plan, which provides the opportunity to evaluate improvements.*
- 4. The PUD Plan shall be integrated and connected, whenever possible, with adjacent development through street connections, sidewalks, trails, and similar features.
 - *The PUD plan does not propose specific development at this time. The PUD requires compliance with the approved CDOT Access Plan and will not interfere with the future St Vrain Greenway Trail system. The PUD requires ongoing access to the Town's Public Works site north of their property.*

5. The PUD Plan shall be sensitive to existing adjacent development. It shall not limit the ability to integrate surrounding land into the Town or cause variances or exceptions to be necessary if the adjacent land is annexed or developed.
 - *The PUD will not negatively impact future development. The southern property is the only property currently within Town limits east of US 36 along the eastern corridor. The northern property is adjacent to the recently annexed Tebo property, which is expected to be redeveloped in the coming years. The removal of the requirement for Special Review Uses is acceptable, given that the Town now has multiple regulatory tools in place to ensure impacts on surrounding land uses can be managed*
6. The PUD Plan shall avoid or substantially mitigate impacts from development in known areas of natural or geologic hazard, including unstable slopes, flood, high groundwater, or soil conditions unfavorable to development.
 - *The PUD plan does not propose specific development at this time. As noted above, the southern property is significantly encumbered by the regulatory floodplain, which will limit future development in certain areas. Compliance with all applicable design standards and guidelines is required for all future development, with approval through public hearings.*
7. The PUD Plan minimizes environmental impacts, mitigates impacts to wildlife and wildlife habitat and promotes green building standards.
 - *The PUD plan does not propose specific development at this time. As noted above, the southern property is significantly encumbered by the regulatory floodplain, which will limit future development in certain areas. Compliance with all applicable design standards and guidelines is required for all future development, with approval through public hearings.*
8. The PUD Plan avoids placing unreasonable financial burdens on the Town.
 - *The PUD is not anticipated to place unreasonable burdens on the Town. All improvements, both public and private, will be the developer's responsibility. The applicant has included a narrative of their anticipated fiscal impact, with more information to be provided with each Development Plan.*
9. The PUD Plan shall be consistent with and implement the intent of the specific PUD District.
 - *"The purpose of the PUD-C District is to establish areas for planned commercial centers and grouping of consumer-oriented commercial uses that incorporate high-quality architectural design and to allow development of tracts of land large enough to accommodate well-planned and rational connections between structures, people, and automobiles through the use of planned parking access, pedestrian walkways, courtyards, malls and landscaped open space."*
 - *The PUD establishes basic development standards for future development and requires review and approval of Development Plans for conformance with the Town's design standards and guidelines. The PUD will not conflict with the intent of this district.*
 - *Staff finds additional guidance through the intent of the Eastern Corridor Design Guidelines Overlay, which states:*

- *"The intent of the Eastern Corridor ("EC") design guidelines overlay is to provide an entrance into the Town that identifies Lyons as an attractive place to live and do business. The EC should convey that business investment is welcome and encouraged. Development that celebrates the natural beauty, outdoor adventure opportunities, and the Lyons music and arts culture is strongly encouraged. The Town welcomes collaboration and innovation from developers to achieve quality design in this gateway area. Developers may apply for a PUD status with flexible land use, parking, setback, and mixed-use standards."*

10. Any applicable standards, requirements and specifications may be modified if the decision-making body finds that the proposed PUD Plan incorporates creative site design such that it represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards, including but not limited to improvements in open space provision and access; environmental protection; tree and vegetation preservation; efficient provision of streets, roads and other utilities and services; or increased choice of living and housing environments.

- *The PUD proposes modifications that will be reviewed and approved by the Planning and Community Development Commission and the Board of Trustees during public hearings and will evaluate the proposal against all applicable criteria and local policy.*

11. Except where modifications are allowed under Section 16-4-50 above, the PUD Plan complies with all applicable standards stated in this Chapter.

- *The PUD meets the applicable standards in this chapter, with noted modifications on the PUD plan.*

12. The proposed phasing, if any, for development of the PUD Plan is rational in terms of available infrastructure capacity and adequate public facility standards.

- *The PUD may be developed in one or more phases, all of which will require approval of Development Plans.*

13. Height and setback standards shall be established using the following criteria:

- The proposed structure would have minimal effect upon adjacent properties with respect to compatibility of use and design, solar access, visual access and rights of privacy, light, and air;
 - *No specific structures are proposed at this time. The PUD will allow development on the property and will be reviewed as part of future development plans.*
- The height and/or setback standards would not interfere with delivery of public services to the site at existing levels of service or at adequate levels required by Town policies and regulations;
 - *The code requires all future improvements to be adequately served, and will be reviewed through future development plans.*
- The project complies with all fire and building code regulations and standards;
 - *All buildings will require review and approval of building permits to verify compliance with building and fire codes*

- The architecture and character of the proposed structure is compatible with existing development on surrounding or adjacent parcels; and
 - *No specific structures are proposed at this time. Future development is required to comply with the Town's development standards and guidelines.*
- In the PUD Overlay District, the development complies with all other applicable zoning and development regulations, including parking, screening, bulk and landscaping.
 - *No specific improvements are proposed at this time. Future development is required to comply with the Town's development standards and guidelines.*

V. PCDC RECOMMENDATION: The PCDC held a public hearing over two meetings on November 24, 2025 and December 22, 2025 to consider the application. Discussion centered primarily on the changes to the permitted uses in the PUD and the concept of Temporary Uses, which are no longer included in the application. Between the two meetings, the applicant modified the permitted use tables and removed the provisions for Temporary Uses in response to PCDC discussion. PCDC voted unanimously to approve Resolution 21-2025 recommending approval of the PUD with one condition to remove the use listed as “public or private campground for the temporary parking of trailers, campers and similar” from the PUD. The applicant has satisfied this condition on the application before the Board.

VI. STAFF RECOMMENDATION: Staff recommends approval of the PUD and finds it supports the goals of the Comprehensive Plan to foster development and investment in the East Corridor. The modifications requested to the CEC zone district are reasonable and because all future development requires approval of one or more Major Development Plans, the Town has the ability to work with applicants to ensure impacts are mitigated while fostering development.

VII. RECOMMENDED ACTION / NEXT STEPS: Consider the ordinance and hold the public hearing.

VIII. FISCAL IMPACTS: Approval of the Planned Unit Development is the first step in the redevelopment of the property, eventually resulting in increased property tax revenues and generating sales tax.

IX. LEGAL ISSUES: None identified.

X. CONFLICTS OR ENVIRONMENTAL ISSUES: None identified.

XI. SUMMARY AND ALTERNATIVES:

1. Approve the Ordinance on 2nd reading
2. Approve the Ordinance with conditions
3. Deny the Ordinance.
4. Continue to a date certain

XII. RECOMMENDED MOTION:

“I move to approve Ordinance 1203 – An Ordinance of the Town of Lyons approving a Planned Unit Development for 4651 and 4652 Ute Highway.”

XIII. ATTACHMENTS

- Draft Ordinance 1203
- Exhibit reflecting uses proposed in the PUD
- Application Materials
- Draft Planned Unit Development
- Referral Comments
- PCDC Resolution 21-2025
- Streambank Restoration documents

**TOWN OF LYONS, COLORADO
ORDINANCE 1203**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO,
REZONING OF LOT 1, RAILROAD SUBDIVISION AND LOTS 2 and 3, LYONS EAST
VILLAGE REPLAT A, ALSO KNOWN AS 4651 and 4652 UTE HIGHWAY, FROM
AGRICULTURAL AND COMMERCIAL EAST CORRIDOR TO PLANNED UNIT
DEVELOPMENT**

WHEREAS, pursuant to C.R.S. § 31-23-301, the Town of Lyons (the “Town”) possesses the authority to regulate land uses within the Town; and

WHEREAS, pursuant to LMC § 16-15-10 *et seq.* the Board of Trustees, the Planning and Community Development Commission (the “PCDC”), Town Staff, or a real property owner may initiate the general rezoning of a property; and

WHEREAS, the subject properties are currently within the Agricultural and Commercial East Corridor Zone District; and

WHEREAS, the Applicant has proposed that the properties, as is more particularly described below, be rezoned from Agricultural and Commercial East Corridor to Planned Unit Development; and

WHEREAS, the proposed zoning designation of parcel is consistent with the Lyon’s Thrive Comprehensive Plan, Future Land Use Plan, and meets the approval criteria of LMC § 16-15-40; and

WHEREAS, the PCDC held a public hearing on the proposed PUD on November 24, 2025 and December 22, 2025; and

WHEREAS, the PCDC determined that it is in the best interest of the Town to and recommended to the Board of Trustees that the properties be zoned as PUD pursuant to PCDC Resolution 2025-21, attached hereto as **Exhibit A** and incorporated by reference herein; and

WHEREAS, the Board of Trustees held a duly noticed public hearing on the proposed zoning of the properties; and

WHEREAS, the Board of Trustees has determined it is in the best interest of the Town to approve a request for 4651 and 4652 Ute Highway be rezoned to Planned Unit Development.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO, AS FOLLOWS:

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

Section 2. The Board of Trustees hereby approves the Application for zoning of the 4651 and 4652 Ute Highway, more particularly described as Lot 1, Railroad Subdivision, and Lots 2 and 3, Lyons East Village Replat A as Planned Unit Development;

Section 3. Specifically, the Town of Lyons Board of Trustees finds that the Application “rezone[s] an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally” consistent with LMC § 16-15-40(2).

Section 4. The Town Administrator, Town Planner, and other appropriate Town Staff are authorized and instructed to revise the official zoning map for the Town of Lyons so that the zoning designation described in this Ordinance is illustrated in graphic form. Failure to amend the official zoning map in accordance with this Ordinance shall not, however, have the effect of limiting, preventing or precluding the effect or effective date of this Ordinance.

Section 5. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 6. Repeal. Any and all ordinances, resolutions, or codes, or parts thereof, which are in conflict or inconsistent with this ordinance are repealed, to the extent of such conflict or inconsistency exists. The repeal of any such ordinance, resolution, or code or part thereof, shall not revive any other section or part of any ordinance, resolution, or code provision. This repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to this ordinance taking effect.

Section 7. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS _____ DAY OF _____, 2026.

INTRODUCED, AMENDED, PASSED, ADOPTED, AND ORDERED PUBLISHED ON SECOND READING THIS _____ DAY OF _____ 2026.

TOWN OF LYONS, COLORADO

By: _____
Hollie Rogin, Mayor

ATTEST:

Dolores M. Vasquez, CMC Town Clerk



Town of Lyons
Community Development Department
432 5th Ave.
Lyons, CO 80540
(303)823-6622
communitydevelopment@townoflyons.com

LAND USE APPLICATION FORM

APPLICANT FULL NAME:	Lyons Ute Hwy LLC	ADDRESS:	
APPLICANT'S PHONE #:		APPLICANT'S EMAIL:	
PROJECT NAME:	Lyons People's House & Maker's Village	PROJECT ADDRESS:	4651 & 4652 Ute Hwy Lyons, CO 80503

TYPE OF APPLICATION (Check One)			
Annexation		Sketch Plan	Minor Subdivision
Change of Zone		Preliminary Plat	Plat Vacation
Conditional Use Review		Final Plat	Lot Consolidation
Vacation of Right-of-Way/Easement		Plat Amendment	Survey Correction Plat
Variance (zoning / building / sub.)	<input checked="" type="checkbox"/>	Planned Unit Development	Site Plan or Development Plan
Special Use Review		Telecommunications	Other:

PROJECT INFORMATION:			
Is site within Lyons' Planning Area? Yes		Is site within Lyons' Town Limits? Yes	
Existing Use (single family, commercial, etc.): I		Proposed Use: restaurant/camping/event/light industrial	
Existing Zoning: CEC, A-1		Proposed Zoning: PUD	
Number of Existing Residential Lots: 0		Number of Proposed Residential Lots: 0	
Number of Existing Commercial Lots 3		Number of Proposed Commercial Lots: 1	
Number of Existing Industrial Lots: 0		Number of Proposed Industrial Lots: 1	
Total Property Acreage: 8.35		Does the property have slopes greater than 5%? Yes	

Legal Description of Property – Lot #, Block #, and Subdivision; or Location in Section, Township, and Range
Lot 1: Railroad Subdivision, County of Boulder, State of Colorado.
Lots 2 and 3: Lyons Village East Replat A, Town of Lyons, County of Boulder, State of Colorado.

ADDITIONAL CONTACTS (Owner, Consultants):			
Full Name: Rene Doubleday			
Address: [REDACTED]			
Contact Info (email, phone): [REDACTED]			
Full Name:			
Address:			
Contact Info (email phone):			



Town of Lyons
Community Development Department
432 5th Ave.
Lyons, CO 80540
(303)823-6622
communitydevelopment@townoflyons.com

COMPREHENSIVE PLAN AND PARKS OPEN SPACE TRAILS MAP CONSISTENCY:		
	Yes/No	Describe
Locate your property on the 2010 Lyons Planning Area Map. Does your proposed use meet the use designation shown?	Yes	
Is the project or property consistent with the guiding principles, goals, and objectives set forth in the 2010 Lyons Comprehensive Plan, or the 2014 Lyons Recovery Action Plan or the 2016 Lyons Primary Planning Area Action Plan?	Yes	
Is the project or property consistent with the Sustainable Design and Development Principles in Appendix D of the Comprehensive Plan.	Yes	
Is the project/property in or adjacent to a gateway designation on the Comprehensive Plan's Lyons Gateway Map (p87)?	No	
Does the proposed project or property have or is it adjacent to a designation on the legend of the Parks Recovery Plan's Trails Planning, Park Connectivity and Recreational Opportunities Map (pg. 47)?	No	
Is the proposed project or property in the floodplain? View floodplain map on the Town website under maps.	Yes	
Is the proposed project or property adjacent to a public facility or does it include a public facility?	No	
Does the proposed project or property have unique wildlife habitat or include a wildlife corridor?	Yes	Adjacent to St. Vrain Creek

UTILITY PROVIDER:		
Water: Town of Lyons	Sewer: Town of Lyons	Electric: Town of Lyons
Gas: Xcel	Cable:	Phone:
Fire Protection: Town of Lyons	Other:	

CERTIFICATION:	
I certify that I am the lawful owner of the parcel(s) of land, which this application concerns, and consent to this action.	
Owner: <u>Ruf Phillips</u>	Date: 7/31/25
I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. In filing this application, I am acting with the knowledge and consent of the property owners. I understand that all materials and fees required by the Town of Lyons must be submitted prior to having this application processed.	
Applicant: <u>Ruf Phillips</u>	Date: 7/31/25

FOR STAFF USE ONLY:	
APPLICATION ACCEPTED BY:	DATE ACCEPTED:
FEE RECEIVED:	TRACKING #:



Town of Lyons
Community Development Department
432 5th Ave.
Lyons, CO 80540
(303)823-6622
communitydevelopment@townoflyons.com

AGREEMENT FOR PAYMENT OF LAND USE APPLICATION FEES/DEPOSITS (If Required)

This Agreement is entered between Lyons Ute Hwy, LLC as APPLICANT and THE TOWN OF LYONS, in consideration of the TOWN'S acceptance of APPLICANT'S application for the land use approval as further described below:

1. APPLICANT hereby represents that he/she/it is the owner of 100% of the real property for which this application is being processed or that 100% of the property owners have also signed this application. APPLICANT has submitted to the TOWN an application for approval of:
PUD for 4651-4652 Ute Hwy, Longmont, CO 80503
2. APPLICANT acknowledges and understands that the Board of Trustees establishes a fee and deposit schedule for land use applications. The Agreement shall govern the payment of fees and deposits for processing applications.
3. The application shall not be accepted for processing unless the property owner(s) of record of the property included in the application sign(s) this Agreement.
4. A fee in the amount required by the Town sufficient to cover the internal and external costs of administration, processing, site visits, publication of notice and similar matters will be paid by the APPLICANT for processing the development application. An application fee of _____ and an escrow fee of \$_____, as required by resolution shall be paid to the Town prior to processing the application. see payment for same address Lot Consolidation Plan.
5. The applicant shall be required to pay all actual costs incurred by the Town for review of the application by consultants, including but not limited to engineering, surveying, legal and planning plus fifteen percent (15%) of such actual costs for the Town's administrative costs plus supplies. The Town may require a deposit from APPLICANT to offset the Town's costs for review prior to consideration of any application submittal pursuant to this Code. Subsequent deposits may be required when the initial deposits are eighty-five percent (85%) depleted. These deposits may exceed the total amount of fees collected using the standard schedule of fees. The Town shall not continue the processing of any application for which the APPLICANT has refused to deposit the funds to cover the Town's cost of review. Any funds deposited in excess of the standard fees remaining after paying the costs specified above shall be refunded to the APPLICANT. In the event of non-payment of fees, the Town shall have the right to file a legal action to collect any balance due to the Town plus its costs and attorney's fees against any or all persons signing this Agreement as APPLICANT. The Town may certify to the County Treasurer any amount due pursuant to this paragraph as a lien on the property for which the application is submitted to be due and payable with the real estate taxes for the Town if the APPLICANT does not pay such amount within (30) days of written request by the Town.

APPLICANT(S)/OWNER(S)-

(All Owners/Applicants must sign this application)

By: Ruf Phillips
As: Owner
Date: 7/31/25
Address: 1 [REDACTED]

By: _____
As: _____
Date: _____
Address: _____



Town of Lyons
Community Development Department
432 5th Ave.
Lyons, CO 80540
(303)823-6622
communitydevelopment@townoflyons.com

LAND USE PERMITS

APPLICATION TYPE	APPLICATION FEE (NON-REFUNDABLE)	ESCROW ACCOUNT	ADDITIONAL MATERIAL REQUIRED
Rezoning (except LI)	\$500.00	\$1,000.00	See LMC 16-15-30
Special or Conditional Use Review	\$250.00	\$500.00	See LMC 16-7-35 or 16-7-30
PUD Rezoning	\$500.00	\$1,000.00	See LMC 16-4-50
Variance (Zoning / Building / Subdivision)	\$250.00	\$500.00	See LMC 16-15-30
Board of Appeals	\$250.00	\$500.00	See LMC 16-15-30
Telecommunication Application	\$500.00	\$1,500.00	See LMC 16-11-50
Zoning Verification Letter	\$50.00	---	---
Change of Use	\$200.00	---	Requires Inspection and Occupancy Review
16-7-50(b) Review	\$150.00	---	See LMC 16-7-50(b)
DEVELOPMENT OR SITE PLAN			
Up to 1 Acre	\$500.00	\$2,000.00	See LMC 16-17-30
Up to 3 Acres	\$500.00	\$4,000.00	See LMC 16-17-31
Up to 10 Acres	\$500.00	\$6,000.00	See LMC 16-17-32
Over 10 Acres	\$500.00	\$8,000.00	See LMC 16-17-33
SUBDIVISION			
Survey Correction Plat	\$500.00	\$500.00	Sec. LMC 17-9-40
Lot Consolidation	\$250.00	\$500.00	Sec. LMC 17-7-50
Plat Vacation	\$500.00	\$500.00	Sec. LMC 17-6-40
Plat Amendment	\$500.00	\$500.00	Sec. LMC 17-5-40
Minor Subdivision	\$500.00	\$1,000.00	Sec. LMC 17-3-40
MAJOR SUBDIVISION			
Sketch Plan (Reg and PUD)	\$500.00	\$1,000 + \$10 per dwelling unit	Sec. LMC 17-4-50
Preliminary Plan (Reg and PUD)	\$500.00	\$1,000 + \$10 per dwelling unit	Sec. LMC 17-4-60.
Final Plat (Reg and PUD)	\$500.00	\$1,000 + \$10 per dwelling unit	Sec. LMC 17-4-70.
ANNEXATIONS			
Up to 5 acres	\$500.00	\$3,000.00	Sec LMC 15-1-120
5-20 acres	\$500.00	\$6,000.00	Sec LMC 15-1-120
Over 20 acres	\$500.00	\$8,000.00	Sec LMC 15-1-120

Lyons People's House and Maker's Village

4651 & 4652 Ute Highway Lyons, CO 80503

07-30-2025

PUD Application

3) Written Statement

a) Need for the proposed PUD

- As the first major development coming to the Eastern Corridor, we believe it will take a varied and creative combination of uses to activate the site and give it the best chance for success. The proposed project under consideration includes a mix of light industrial, retail, restaurant, and event venue—just to name a few—and those uses do not currently fit in any existing Town of Lyons zoning category.

b) Present and Future Impacts on the existing adjacent properties, uses, and physical characteristics of the surrounding area.

- The sites have been unused since 2003 with little to no activity or beneficial interest and fell derelict. With approximately seven developable acres in total, the development/renovation will need to be phased and will likely evolve over time. The near term goals are to improve safety and security on the parcels and work on infrastructure improvements. The future development will bring activity to the Eastern Corridor in several ways. The north parcel is ultimately designed to serve small companies in *maker's, artisan, and craftsman* spaces. The south parcel is planned to feature community events, restaurant/retail uses, an extension of the Lyons multimodal path, and the improvement of the creek frontage. Adjacent properties will benefit from the visual improvements to the sites and creek. Safety will be improved by inviting productive commercial activity and eliminating vacant land and buildings. Environmental conditions will be improved with the addition of native vegetation, water quality control, an increased number of trees, and renovated landscaping. Some of these improvements related to the St. Vrain are already underway.

c) Impact on area access and traffic.

- The projects will include improvements to the existing driveways on the sites. The north parcel will ultimately include an interior street, connecting the Tebo, Generator and Grace Design properties. The number of cars traveling on

Hwy 66 is already substantial due to the proximity and travel path to Estes Park and Rocky Mountain National Park. We hope to give those travelers a place to stop and enjoy some of the best of what Lyons has to offer. Ultimately, in future phases of the project, we plan to attract interesting and innovative tenants who will help create a destination for guests throughout the region.

d) Availability of utilities

- 4651 Ute Hwy (North Parcel)

Water, power, gas, fiber, and sewer are all present and accessible for development.

- 4652 Ute Hwy (South Parcel)

Water, power, gas, and fiber are run underground from the north parcel and accessible for development. Sewer access to the north side of Highway 66 is proving difficult and has lengthened the development time horizon considerably, as we continue to explore all feasible options to access service under Highway 66.

The development will apply for use of Lake Macintosh raw water shares, and procure such shares from private sellers.

e) Potential impacts of public facilities and services, including but not limited to fire, police, water, sanitation, roadways, parks, schools, and transit.

- The impact to fire, police, sanitation, parks, school and transit is expected to be minimal. Raw water shares will be purchased to accommodate the project. The Eastern Corridor is geographically separated from existing parks and schools, although some of our desired uses around arts, history, river activation and culture could benefit students. As stated above, vehicle traffic is expected to be minimal at the outset. The South Parcel will house a 10' wide multi-modal path which will eventually connect with the existing path west of Hwy. 36. to improve pedestrian and bicycle connectivity between Town proper and the Eastern Corridor.

f) Fiscal impact analysis

- New costs to the Town of Lyons are not fully known. We are seeking resource assistance (time, political connections, financing, etc.) to help solve getting the sewer connection from the forced main on the north side of Hwy 66 to the South parcel. Additionally, the Town has loaned equipment to establish temporary power on the South parcel for the purpose of installing lighting and a security system to eliminate chronic trespassing and vandalism. In the long term, we see the cost implications to be minimal. Initially all streets and public spaces will be privately

maintained, not requiring repair/maintenance/snow removal, etc. Presumably we would have no impact on the school or library system. Police and fire would respond to calls, but proposed uses are not expected as high-risk for these entities.

We understand, prior to any development under this PUD, if any streets or public spaces will be dedicated to the Town, a replat will be required. Additionally, the municipal code requires approval of a Major Development Plan prior to any vertical development. The Town may require an updated fiscal impact analysis with each subsequent approval in order to determine impacts associated with more specific development plans.

- Future benefits to the Town of Lyons could be significant but are yet unknown. The expectation is to create an increase in sales and property tax revenues as the sites are developed. Additional revenue may include permit fees and potential lodging fees. Further benefits may be derived from infrastructure improvements and utility fees.

10) Surrounding and interested property ownership notification envelopes

TEBO STEPHEN
PO BOX T
BOULDER, CO 80306-1996

JONES M COLLEEN REV LIV TR...
4708 HIGHLAND DR
LONGMONT, CO 80503-9133

HARDT BRETT & KALAH ET AL
10954 W 100TH DR
WESTMINSTER, CO 80021-7821

EATON JONATHAN B & TRACEY...
4702 HIGHLAND DR
LONGMONT, CO 80503

DIRKES FRED DAVID & DOROT...
4413 MORGAN COUNTY RD 36
BRUSH, CO 80723

JACOB JILL
4624 HIGHLAND DR
LONGMONT, CO 80503

GRACE BROS LTD
4689 UTE HWY
LONGMONT, CO 80503-9127

BLUE MOUNTAIN STONE INC
PO BOX 946
LYONS, CO 80540

VANN DIANA JEWELL L ET AL
12996 FOOTHILLS HWY
LONGMONT, CO 80503-9141

BRALY KEVIN
PO BOX 51
HYGIENE, CO 80533

COUNTY OF BOULDER C/O BO...
5201 ST VRAIN RD BLDG 1
LONGMONT, CO 80503

PDK INVESTMENTS LLC
PO BOX 51
HYGIENE, CO 80533

- Envelopes will be delivered to TOL
- 11) Mineral estate owner notice certification
 - There were no mineral rights transferred from the seller (Town of Lyons) to Lyons Ute Hwy, LLC and the owner of the mineral rights is unknown to either party. See attached statement. Original available upon request.

APPENDIX 17-B
FORM OF CERTIFICATION FOR MINERAL ESTATE NOTICE

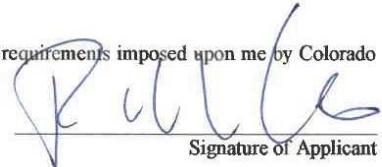
**APPLICANT CERTIFICATION REGARDING
NOTICE TO MINERAL ESTATE OWNER**

I, Paul Tamburello, submitted an application for land use approval from the Town of Lyons generally described as:

A Rezoning Application A Subdivision Application
 Conditional Use Review A Site or Development Plan Application
 An Application for Planned Unit Development (Rezoning and Subdivision)
 A Variance Application

I understand that state law, found at Colorado Revised Statutes Sections 24-65.5-101 through 24-65.5-104, imposes specific legal requirements involving my providing written notice to the mineral estate owner of my application.

I HEREBY CERTIFY that I have complied with the notice requirements imposed upon me by Colorado Revised Statutes.



Signature of Applicant

Paul Tamburello

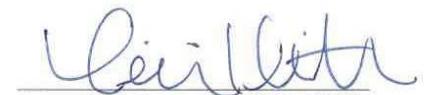
Print Name

STATE OF Colorado)
COUNTY OF Denver) ss.

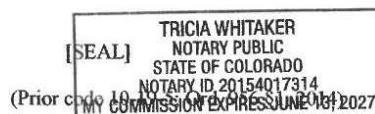
Acknowledged before me on April 23, 2025, by Paul Tamburello

Witness my hand and official seal.

My commission expires: 6/13/27



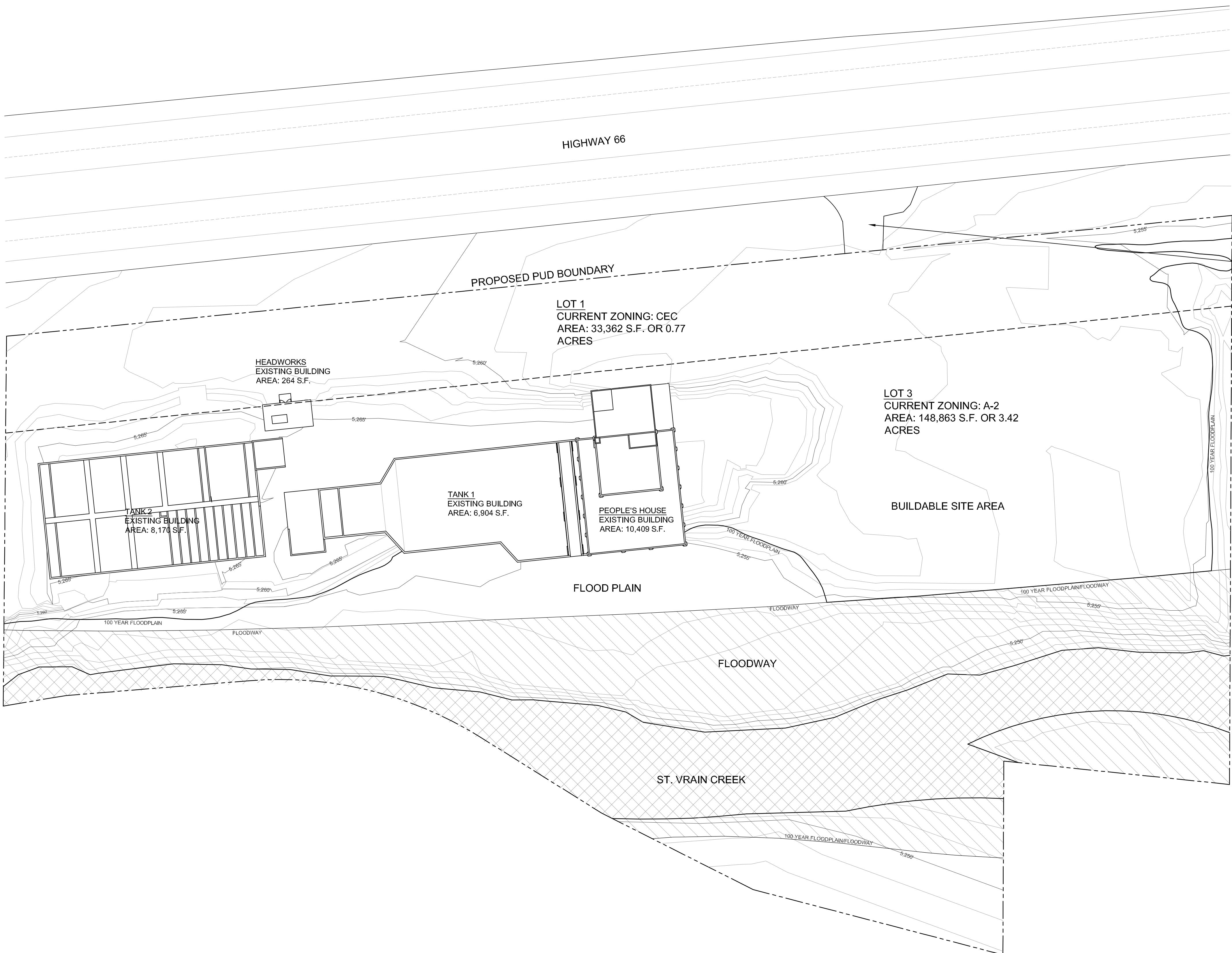
Notary Public



13) Additional items per applicant if any

Lyons People's House & Maker's Village

4651 & 4652 Ute Hwy Lyons, CO 80503



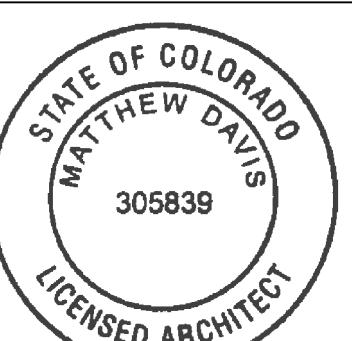
- SITE ACCESS POINT TO BE CONSISTENT WITH THE CDOT HIGHWAY 66 ACCESS CONTROL PLAN, OR OTHERWISE APPROVED BY CDOT AND THE TOWN OF LYONS.

EXISTING BUILDINGS ARE INTENDED, BUT NOT REQUIRED, TO BE REPURPOSED. SPECIFIC BUILDING USES AND ANY NEW BUILDINGS ON SITE TO BE PART OF FUTURE SITE DEVELOPMENT PLAN(S).

**ALL EXISTING UTILITY EASEMENTS
TO REMAIN, SEE SURVEY EXHIBIT.**

**FLOOD PLAIN AND FLOODWAY
INFORMATION PER FEMA FLOOD MAP
EFFECTIVE 10/24/2024.**

THIS PUD WILL ACCOMMODATE THE PLANNED ST. VRAIN GREENWAY TRAIL, AS SHOWN IN THE 2004 ST. VRAIN GREENWAY TRAIL MASTER PLAN.



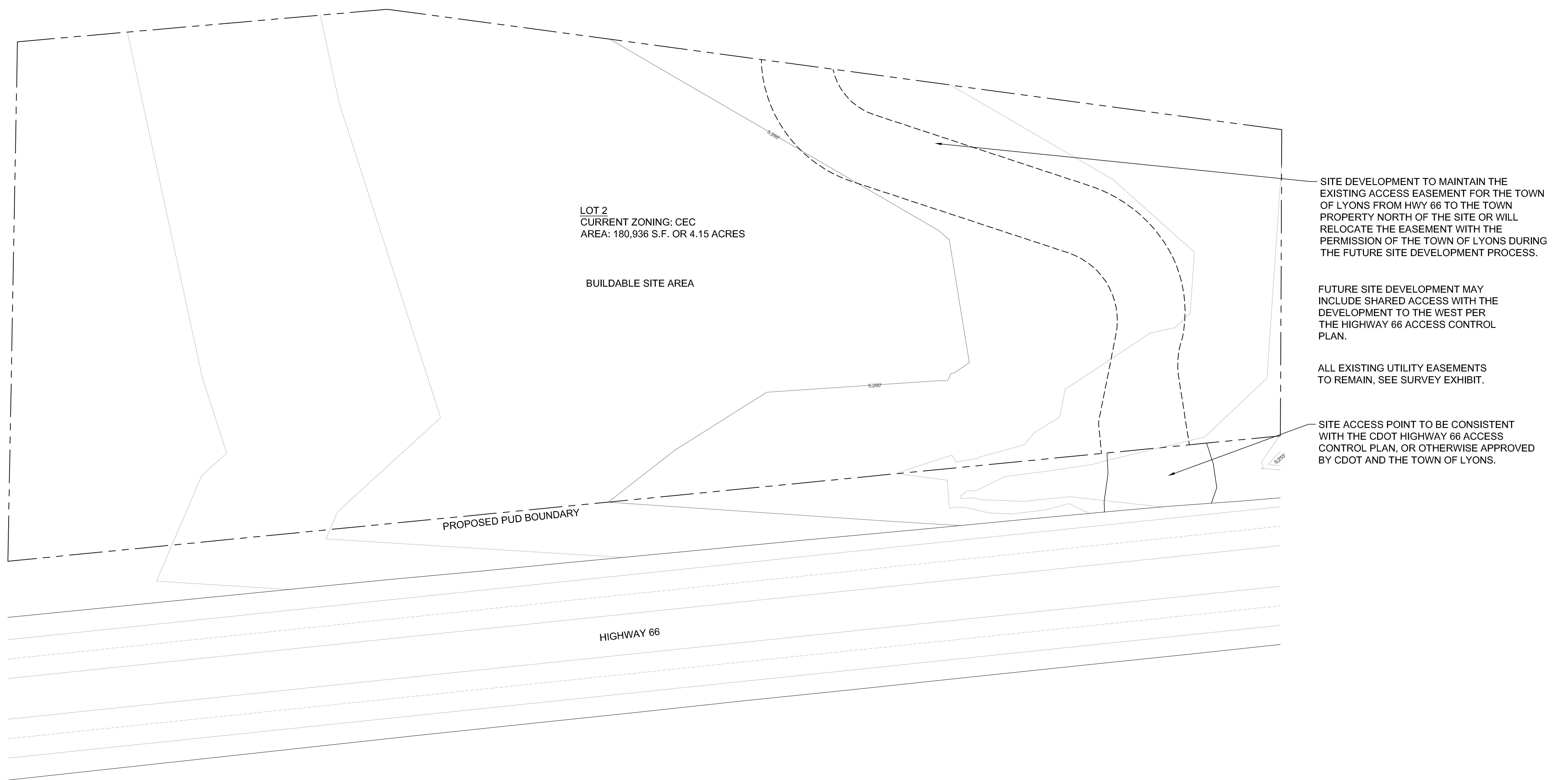
COPYRIGHT 2025 DAVIS URBAN, LLC
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Written authorization is required for any reproduction.
Use without the architect's written consent constitutes fraud as dictated by the Colorado statutes and is strictly forbidden.

07.30.2025

PUD
4652 UTE HWY
SOUTH SITE PLAN

Lyons People's House & Makers' Village

4651 & 4652 Ute Hwy Lyons, CO 80503



G.05

ALTA/NSPS LAND TITLE SURVEY

Parcel Description

(PROVIDED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY)

LYONS VILLAGE EAST REPLAT A RECORDED ON 02/10/2020 AT
RECEPTION NO. 03765233
RAILROAD SUBDIVISION RECORDED ON 02/19/2020 AT RECEPTION
NO. 03766935

PARCEL A:

LOTS 2 AND 3, LYONS VILLAGE EAST REPLAT A,
TOWN OF LYONS, COUNTY OF BOULDER, STATE OF COLORADO

PARCEL B:

LOT 1, RAILROAD SUBDIVISION,
COUNTY OF BOULDER, STATE OF COLORADO.

Notes

- OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT NUMBER 0X70617951.2026947, DATED MARCH 02, 2020 AT 5:00 P.M., WAS ENTIRELY RELIED UPON FOR RECORDED INFORMATION REGARDING RIGHTS-OF-WAY, EASEMENTS AND ENCUMBRANCES IN THE PREPARATION OF THIS SURVEY. THE PROPERTY SHOWN AND DESCRIBED HEREON IS ALL OF THE PROPERTY DESCRIBED IN SAID TITLE COMMITMENT. THERE MAY BE OTHER RECORDED EASEMENTS AND RIGHTS OF WAY AFFECTING THE SUBJECT PROPERTY. IT IS RECOMMENDED THAT THE CLIENT OBTAIN CURRENT TITLE RESEARCH FROM A TITLE COMPANY.
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- THIS ALTA/NSPS LAND TITLE SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF GENERATOR DEVELOPMENT, NAMED IN THE STATEMENT HEREON. SAID STATEMENT DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS STATEMENT BY THE SURVEYOR NAMING SAID PERSON.
- THIS SURVEY IS VALID ONLY IF PRINT HAS SEAL AND SIGNATURE OF SURVEYOR.
- BASIS OF BEARINGS: GPS DERIVED BEARINGS BASED ON A BEARING OF N00°15'07"E ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 20, T3N, R70W OF THE 6TH P.M., BETWEEN A FOUND 1-1/2" IRON PIPE WITH 2-1/2" BRASS CAP MARKED "20, 21" AT THE EAST QUARTER CORNER OF SAID SECTION 20 AND A FOUND #5 REBAR WITH 2" ALUMINUM CAP MARKED "LEE W. STADEL N1/16, S20, S21, 2000 LS 26300" AT THE NORTH ONE-SIXTEENTH CORNER BETWEEN SECTIONS 20 AND 21 AS SHOWN HEREON. COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983 (NAD83). ALL BEARINGS SHOWN HEREON ARE RELATIVE THERETO.
- WITH REGARD TO TABLE A, ITEM 11, INFORMATION FROM PLANS AND MARKINGS HAVE BEEN COMBINED WITH OBSERVED EVIDENCE OF UTILITIES PURSUANT TO SECTION 5.E.iv. TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES. HOWEVER LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. IN ADDITION, IN SOME JURISDICTIONS, 811 OR OTHER SIMILAR UTILITY LOCATE REQUESTS FROM SURVEYORS MAY BE IGNORED OR RESULT IN AN INCOMPLETE RESPONSE. A PRIVATE UTILITY LOCATOR WAS HIRED FOR THE PREPARATION OF THIS SURVEY. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES AND STRUCTURES. ALL UNDERGROUND UTILITIES MUST BE FIELD LOCATED BY THE APPROPRIATE AGENCY OR UTILITY COMPANY PRIOR TO ANY EXCAVATION, PURSUANT TO C.R.S. SEC. 9-1.5-103. (ALTA/NSPS LAND TITLE SURVEY TABLE A, OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS, ITEM 11a & 11b)
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-4-508. WHOEVER WILLFULLY DESTROYS, DEFACES, CHANGES, OR REMOVES TO ANOTHER PLACE ANY SECTION CORNER, QUARTER-SECTION CORNER, OR MEANDER POST, ON ANY GOVERNMENT LINE OF SURVEY, OR WILLFULLY CUTS DOWN ANY WITNESS TREE OR ANY TREE BLAZED TO MARK THE LINE OF A GOVERNMENT SURVEY, OR WILLFULLY DEFACES, CHANGES, OR REMOVES ANY MONUMENT OR BENCH MARK OF ANY GOVERNMENT SURVEY, SHALL BE FINED UNDER THIS TITLE OR IMPRISONED NOT MORE THAN SIX MONTHS, OR BOTH. 18 U.S.C. § 1858.
- THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.
- THE CONTOURS REPRESENTED HEREON WERE INTERPOLATED BY AUTOCAD CIVIL 3D (DIGITAL TERRAIN MODELING) SOFTWARE BETWEEN ACTUAL MEASURED SPOT ELEVATIONS. DEPENDING ON THE DISTANCE FROM A MEASURED SPOT ELEVATION AND LOCAL VARIATIONS IN TOPOGRAPHY, THE CONTOUR SHOWN MAY NOT BE AN EXACT REPRESENTATION OF THE SITE TOPOGRAPHY. THE PURPOSE OF THIS TOPOGRAPHIC MAP IS FOR SITE EVALUATION AND TO SHOW SURFACE DRAINAGE FEATURES. ADDITIONAL TOPOGRAPHIC OBSERVATIONS MAY BE NECESSARY IN SPECIFIC AREAS OF DESIGN. TOPOGRAPHY SHOWN HEREON COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS.
- BENCHMARK INFORMATION: A GPS DERIVED ELEVATION WAS ESTABLISHED AT AN ONSITE BENCHMARK AT THE NORTH PART OF LOT 3, BEING A FOUND MAG NAIL WITH AN ELEVATION OF 5258.44 FEET. A CHECK SHOT, 0.1±, WAS TAKEN ON NGS POINT Z 410, BEING A STAINLESS STEEL ROD IN LOGO BOX MARKED "Z 410 1984" LOCATED 0.2 MILES FROM SITE, WITH A PUBLISHED ELEVATION OF 5270.03 FEET NAVD88. NO DIFFERENTIAL LEVELING WAS PERFORMED TO ESTABLISH THIS ELEVATION.
- SUBSURFACE BUILDINGS, IMPROVEMENTS OR STRUCTURES ARE NOT NECESSARILY SHOWN. BUILDINGS AND OTHER IMPROVEMENTS OR STRUCTURES ON ADJACENT PROPERTIES THAT ARE MORE THAN FIVE (5) FEET FROM ANY OF THE PROPERTY LINES OF THE SUBJECT PROPERTY ARE NOT NECESSARILY SHOWN.
- FLOOD INFORMATION: THE SUBJECT PROPERTY IS LOCATED IN ZONE AE, REGULATORY FLOODWAY AND ZONE X, 0.2% ANNUAL CHANCE FLOODPLAIN ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP; MAP NO. 08013C0253K, DATED OCTOBER 24, 2024. FLOOD INFORMATION IS SUBJECT TO CHANGE.
- FLOODPLAIN LINES SHOWN HEREON ARE APPROXIMATE AND ARE DERIVED FROM GIS INFORMATION DOWNLOADED FROM FEMA.
- DATES OF FIELDWORK: DECEMBER 2024 – MARCH 2025,
PREVIOUS SURVEYS:
(FSI JOB #19-73,896) DATE: OCTOBER 9, 2019,
(FSI JOB #17-69,365) DATE: APRIL 3, 2017.
- THE WORD "CERTIFY" AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THIS SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
- THE TOTAL AREA OF THE SUBJECT PROPERTY IS 363,162 SQ. FT. OR 8.34 ACRES, MORE OR LESS. AREA AS SHOWN HEREON IS A RESULTANT FACTOR, NOT A DETERMINATIVE FACTOR, AND MAY CHANGE SIGNIFICANTLY WITH MINOR VARIATIONS IN FIELD MEASUREMENTS OR THE SOFTWARE USED TO PERFORM THE CALCULATIONS. FOR THIS REASON, THE AREA IS SHOWN AS A "MORE OR LESS" FIGURE, AND IS NOT TO BE RELIED UPON AS AN ACCURATE FACTOR FOR REAL ESTATE SALES PURPOSES (ALTA/NSPS LAND TITLE SURVEY TABLE A, OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS, ITEM 4).
- OWNERSHIP INFORMATION IS PER BOULDER COUNTY WEBSITE AS RESEARCHED ON JANUARY 06, 2025 AND IS SUBJECT TO CHANGE (ALTA/NSPS LAND TITLE SURVEY TABLE A, OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS, ITEM 13).
- THE SEPTEMBER 12, 2013 FLOOD WAS AN AVULSIVE EVENT, NOT A RELICTIVE OR EROSIONAL EVENT, AND DID NOT THEREFORE, CHANGE ANY BOUNDARY CALLING TO ITS CENTERLINE OR BANK FROM THE POSITION IMMEDIATELY PRIOR TO THE FLOOD.
- THE FENCES ARE NOT COINCIDENT WITH THE PROPERTY LINES AS SHOWN HEREON.
- DRIVE EXTENDS INTO SUBJECT PROPERTY AS SHOWN HEREON.
- MONUMENTS NOT ACCEPTED WERE FOUND TO BE OUTSIDE OF A REASONABLE ERROR ELLIPSE BASED ON OTHER LOCALLY FOUND MONUMENTS. THEY WERE NOT ACCEPTED AS ORIGINAL, UNDISTURBED MONUMENTS.
- THE FOLLOWING DOCUMENTS ARE MENTIONED IN THE ABOVE REFERENCED TITLE DOCUMENT AND ARE SHOWN GRAPHICALLY HEREON. THE FOLLOWING LIST CONTAINS THE TITLE DOCUMENT EXCEPTION NUMBER, DATE RECORDED, RECEPTION NUMBER AND/OR BOOK AND PAGE.

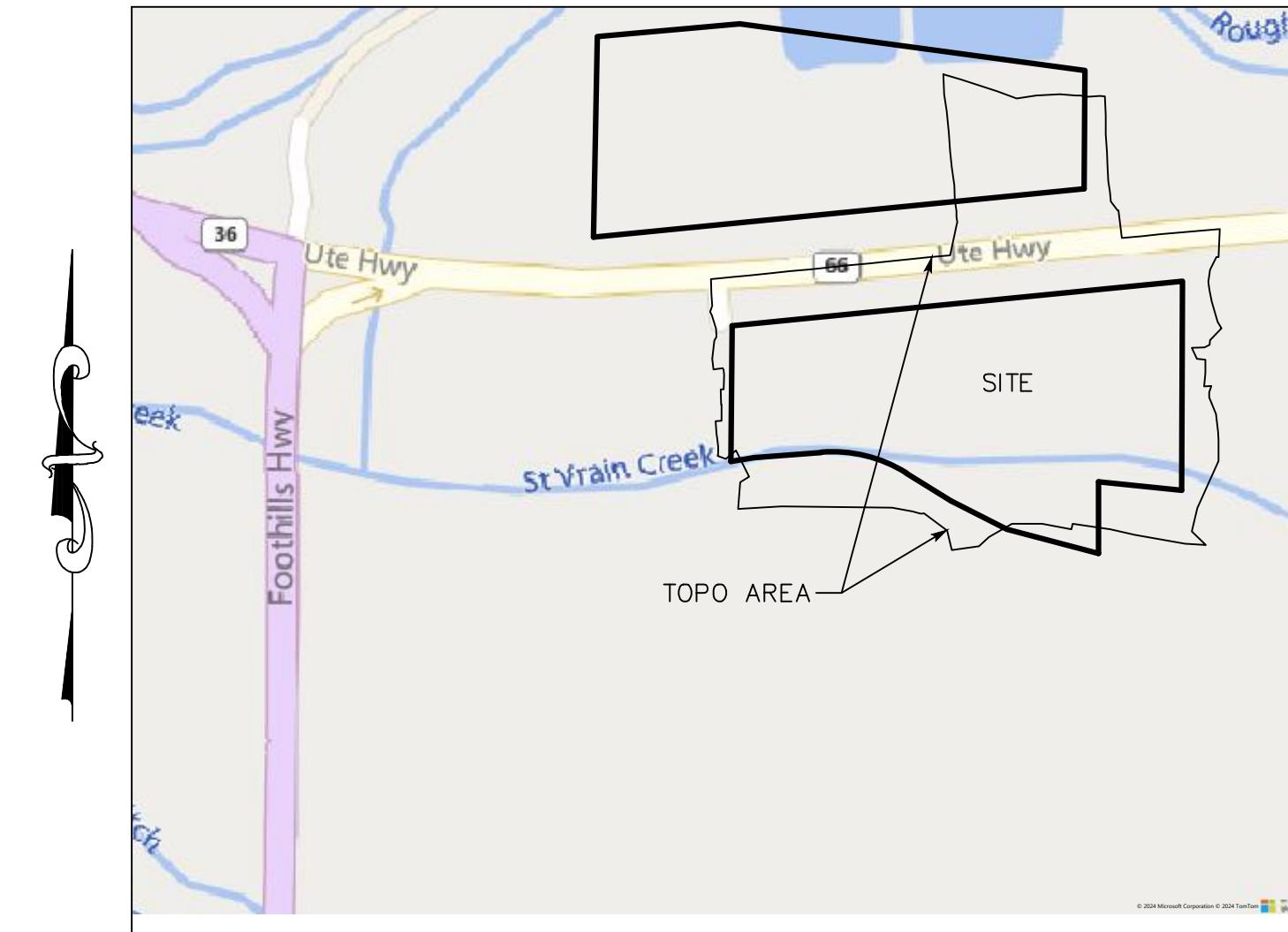
#18	APR. 26, 2017	REC. NO. 03588703	SPECIAL WARRANTY DEED
#21	FEB. 04, 2019	REC. NO. 03696591	PLAT OF LYONS VILLAGE EAST
	APR. 26, 2017	REC. NO. 3588702	QUITCLAIM DEED
	OCT. 15, 2019	REC. NO. 03742435	ORDINANCE 0-2019-54
	FEB. 10, 2020	REC. NO. 03765233	PLAT OF LYONS VILLAGE EAST
	FEB. 09, 2020	REC. NO. 03766987	REPLAT A
#23	JUN. 27, 2017	REC. NO. 03600104	RELEASE OF EASEMENT
			LYONS VILLAGE EAST
			ANNEXATION MAP
#25	JAN. 27, 2005	REC. NO. 2660774	EASEMENT AGREEMENT
#26	APR. 11, 2006	REC. NO. 2769113	ORDINANCE NO. 800
	APR. 11, 2006	REC. NO. 2769112	ANNEXATION MAP
#27	FEB. 10, 2020	REC. NO. 03765233	PLAT OF LYONS VILLAGE EAST
			REPLAT A
#29	FEB. 19, 2020	REC. NO. 03766935	PLAT OF RAILROAD
			SUBDIVISION
- THE FOLLOWING DOCUMENTS ARE MENTIONED IN THE ABOVE REFERENCED TITLE DOCUMENT AND APPEAR TO AFFECT THE SUBJECT PROPERTY BUT CANNOT BE SHOWN GRAPHICALLY. THE FOLLOWING LIST CONTAINS THE TITLE DOCUMENT EXCEPTION NUMBER, DATE RECORDED, RECEPTION NUMBER AND/OR BOOK AND PAGE.

#10	OCT. 19, 1972	REC. NO. 39998	DECLARATION OF COVENANTS
#11	APR. 16, 1976	REC. NO. 173439	SERVICE PLAN
	MAY 06, 1976	REC. NO. 175714	FIRST AMENDMENT
	MAY 13, 1976	REC. NO. 176575	SECOND AMENDMENT
#12	MAR. 19, 1993	REC. NO. 01274954	SETTLEMENT AGREEMENT
#13	SEPT. 30, 2010	REC. NO. 03102102	FINDINGS AND DECREE
#14	FEB. 11, 2003	REC. NO. 2395078	LYONS PLANNING AREA
			COMPREHENSIVE DEVELOPMENT
			PLAN INTERGOVERNMENTAL
			AGREEMENT
			RESOLUTION 2011-23
			RE-RECORDED RESOLUTION
#15	JUN. 22, 2011	REC. NO. 03155123	INTERGOVERNMENTAL
	JUL. 14, 2011	REC. NO. 03159093	AGREEMENT
#16	AUG. 19, 2003	REC. NO. 2490437	AGREEMENT
			BOULDER COUNTY COUNTYWIDE
			COORDINATED COMPREHENSIVE
			DEVELOPMENT PLAN
			INTERGOVERNMENTAL
			AGREEMENT
#17	NOV. 07, 2003	REC. NO. 2524695	AGREEMENT
			INTERGOVERNMENTAL
			AGREEMENT
#19	OCT. 19, 2011	REC. NO. 03178050	RIGHT OF FIRST REFUSAL
#20	OCT. 14, 2019	REC. NO. 03742072	AGREEMENT
#22	APR. 24, 2018	REC. NO. 03652025	MEMORANDUM OF AGREEMENT
#24	JAN. 29, 2004	REC. NO. 2553381	ORDINANCE NO. 1018
#30	MAR. 02, 2020	REC. NO. 03769202	QUITCLAIM DEED AND RELEASE
			DEED OF TRUST

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Depositing Certificate

SUBMITTED TO BOULDER COUNTY LAND USE FOR DEPOSITING ON
THIS ____ DAY OF _____, 20__.



Vicinity Map

NOT TO SCALE

Surveyor's Certificate

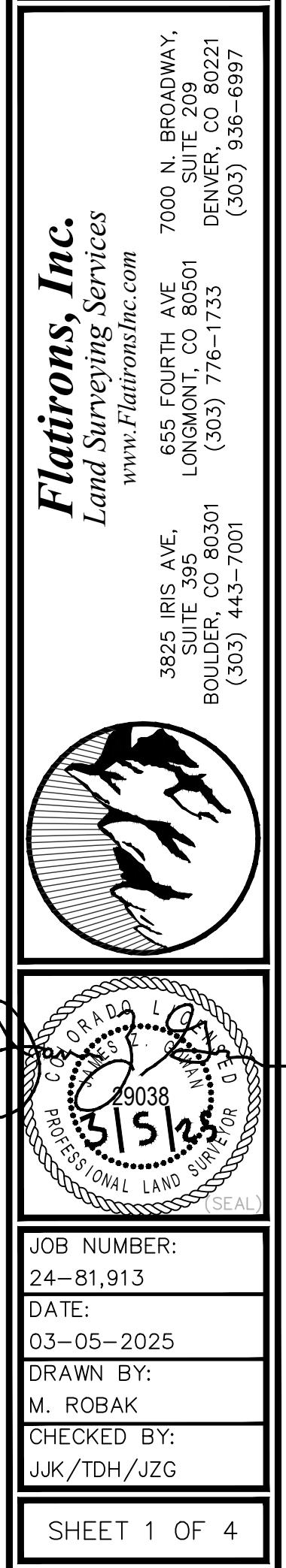
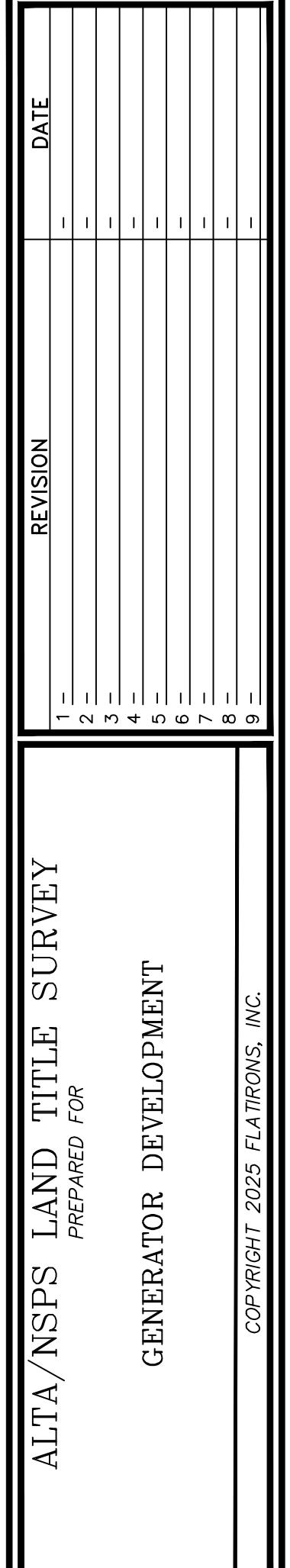
TO GENERATOR DEVELOPMENT:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED
WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS
FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND
NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 7(A), 7(B), 7(C), 11, 13, 18 & 19 OF TABLE A
THEREOF. THE FIELDWORK WAS COMPLETED ON DECEMBER 2, 2024.

DATE OF PLAT OR MAP: MARCH 05, 2025

PURSUANT TO COLORADO STATE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS RULE 1.6(B)(2) THE UNDERSIGNED FURTHER CERTIFIES THAT THIS MAP OR PLAT WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

JAMES Z. GOWAN
COLORADO P.L.S. #29038
VICE PRESIDENT, FLATIRONS, INC.



ALTA/NSPS LAND TITLE SURVEY

LOTS 2 AND 3, LYONS VILLAGE EAST REPLAT A AND LOT 1, RAILROAD SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., TOWN OF LYONS, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 4

TOTAL AREA = 363,162 SQ. FT., OR 8.34 ACRES, MORE OR LESS

Boundary Closure Report

PARCEL A - LOT 3 AND PARCEL B:

COURSE: S001'507"W LENGTH: 308.26'
COURSE: N83'5753"W LENGTH: 122.98'
COURSE: S001'447"W LENGTH: 106.00'
COURSE: N74'5935"W LENGTH: 139.45'
COURSE: N63'2241"W LENGTH: 92.63'
COURSE: N57'5606"W LENGTH: 77.33'

LENGTH: 131.44'
DELTA: 036'4411"
CHORD: 129.20'

COURSE: N76'1809"W LENGTH: 99.19'
COURSE: S80'3857"W LENGTH: 34.59'
COURSE: N00'3005"E LENGTH: 200.31'
COURSE: N84'2207"E LENGTH: 667.13'

AREA: 182,226 SQ. FT.
ERROR CLOSURE: 0.01'
ERROR NORTH: 0.009'

PRECISION 1: 197707

PARCEL A - LOT 2:
COURSE: S001'507"W LENGTH: 726.48'
COURSE: S84'2207"W LENGTH: 295.37'
COURSE: N01'0307"E LENGTH: 210.86'
COURSE: S82'1923"E LENGTH: 512.86'

AREA: 180,936 SQ. FT.
ERROR CLOSURE: 0.00'
ERROR NORTH: 0.004'

PRECISION 1: 1919520000

FOUND #5 REBAR WITH 1-1/2" ALUMINUM CAP MARKED "RA ENGLAND, LS 29415"
(BEARS S49'18"E 0.19' OF THE NORTHERN LINE OF LOT 2)
(BEARS N070'61.3"E 3.86' OF CALCULATED CORNER AT INTERSECTION OF LINES)

UNPLATTED NO RECORDING INFORMATION AVAILABLE

N84'5907"E 210.86' (P1 & C)

N070307"E 295.37 (P1 & AM)

PARCEL A
LYONS VILLAGE EAST REPLAT A

UNPLATTED DEED
REC. NO. 3203648
02/17/2012

GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.

FOUND #5 REBAR WITH 1-1/2" ALUMINUM CAP MARKED "RA ENGLAND, LS 29415"

UNPLATTED NO RECORDING INFORMATION AVAILABLE

S84'2207"W 726.48' (P1 & AM)

S82'1923"E 512.86' (P1 & C)

STATE HIGHWAY 66
(150' R.O.W.)

BM N84'2207"E 667.35' (P1 & AM)

ON SITE BENCHMARK
SET MAG NAIL
ELEV: 5258.44'

PARCEL B
LOT 1
RAILROAD SUBDIVISION

PARCEL A

LOT 3,
LYONS VILLAGE EAST REPLAT A

EDGE OF WATER

ST. VRAIN CREEK

FOUND #5 REBAR WITH 2" ALUMINUM CAP MARKED "CIVIL ARTS, PLS 24305"

FOUND #5 REBAR WITH 1-1/2" ALUMINUM CAP MARKED "RA ENGLAND, LS 29415"

(BEARS S59'48"06"E 0.74")

FOUND #5 REBAR WITH 2" ALUMINUM CAP MARKED "CIVIL ARTS, PLS 24305"

FOUND #5 REBAR (BEARS S24'59"28"E 0.38")

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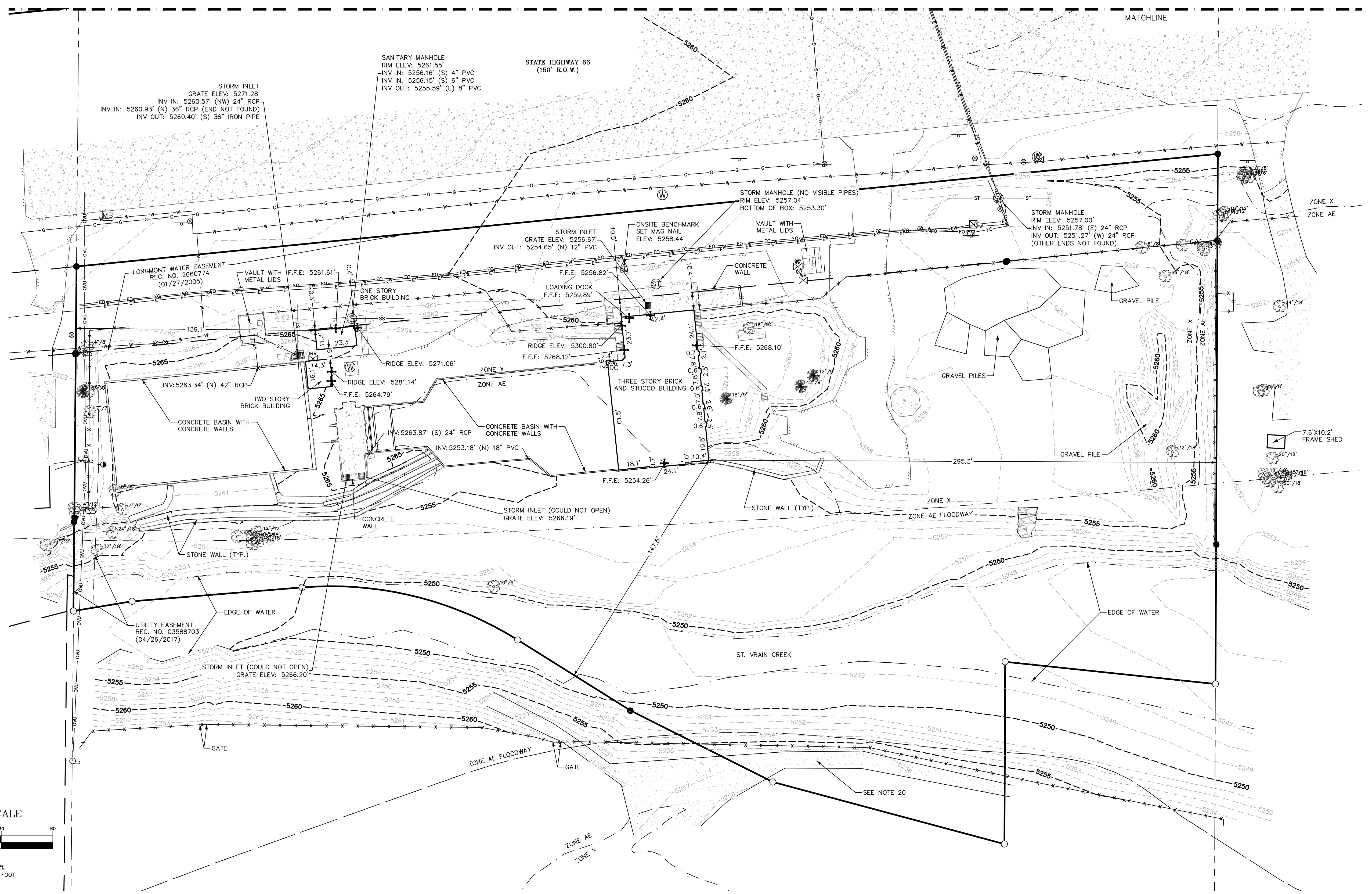
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ALTA/NSPS LAND TITLE SURVEY

LOTS 2 AND 3, LYONS VILLAGE EAST REPLAT A AND LOT 1, RAILROAD SUBDIVISION, LOCATED IN
THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M.,
TOWN OF LYONS, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 3 OF 4
TOTAL AREA = 363,162 SQ. FT., OR 8.34 ACRES, MORE OR LESS



BY:MRROBAK FILE:81913 ALTA TOPO C24.DWG DATE:3/5/2025 10:17 AM

JOB NUMBER:
4-81,913
ATE:
3-05-2025
RAWN BY:
J. ROBAK
CHECKED BY:

SHEET 3 OF 4

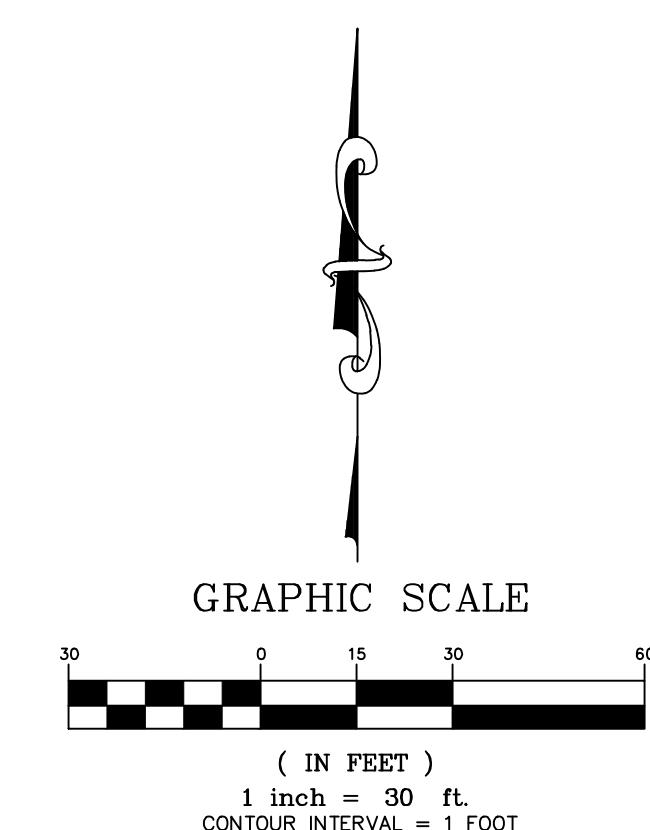
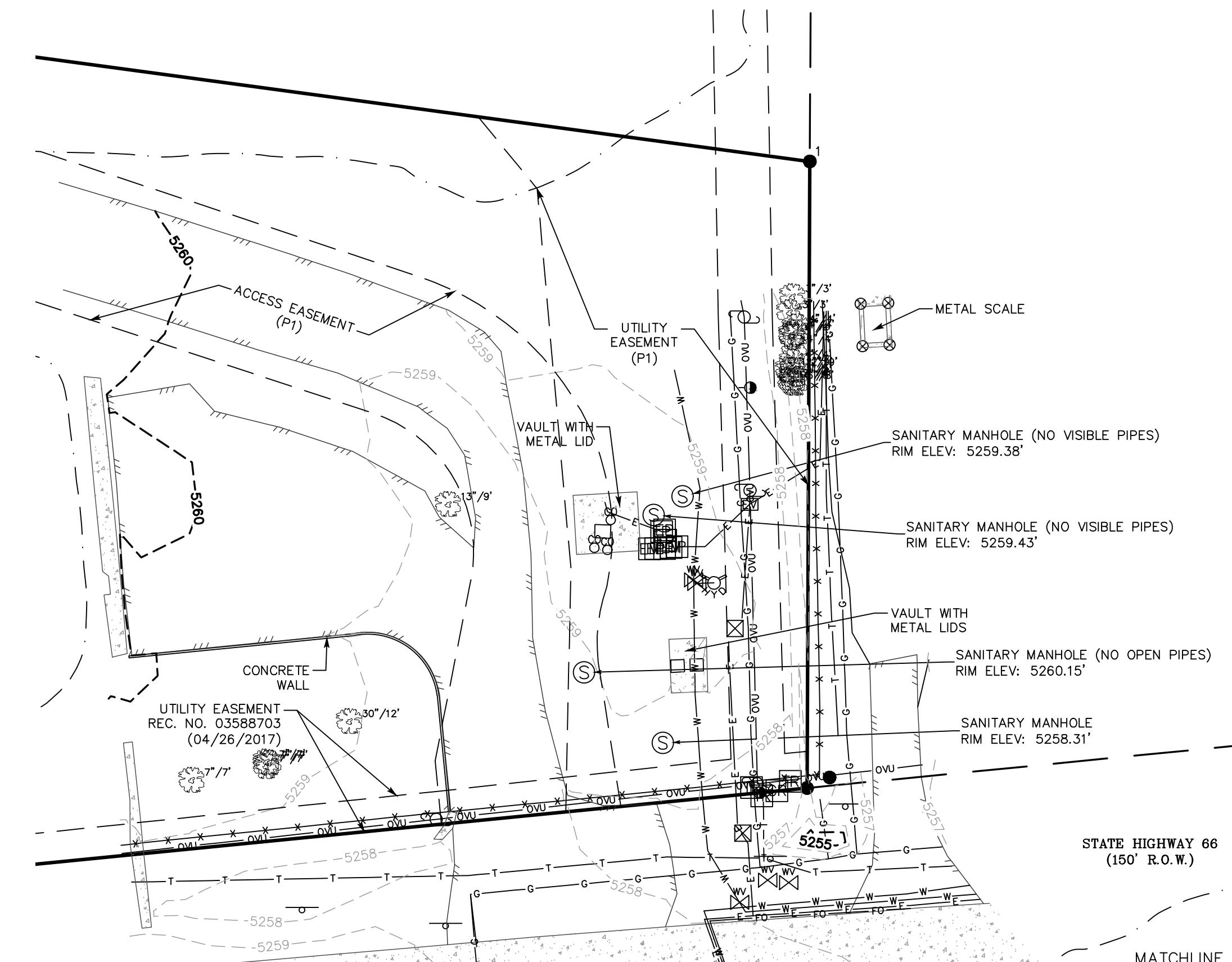
ALTA/NSPS LAND TITLE SURVEY

LOTS 2 AND 3, LYONS VILLAGE EAST REPLAT A AND LOT 1, RAILROAD SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., TOWN OF LYONS, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 4 OF 4
TOTAL AREA = 363,162 SQ. FT., OR 8.34 ACRES, MORE OR LESS

Legend

- FOUND ALIQUOT MONUMENT AS DESCRIBED
- FOUND MONUMENT AS DESCRIBED
- FOUND 1" BRASS TAG "FLATSURV LS16406"
- △ BM FOUND BENCHMARK AS DESCRIBED
- CALCULATED POSITION (NOT FOUND OR SET)
- (AM) AS MEASURED AT TIME OF SURVEY
- (C) CALCULATED FROM RECORD AND AS MEASURED INFORMATION
- (P1) AS PER THE PLAT OF LYONS VILLAGE EAST REPLAT A, AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY ON FEBRUARY 10, 2020 AT RECEIPT NO. 03765233
- (P2) AS PER THE PLAT OF RAILROAD SUBDIVISION, AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY ON FEBRUARY 19, 2020 AT RECEIPT NO. 03766935
- CONCRETE
- EDGE OF ASPHALT
- GRAVEL
- FLAGSTONE
- FENCE
- SIGN
- BOLLARD
- X"X" DECIDUOUS TREE (TRUNK DIAMETER/DRIP LINE RADIUS)
- X"X" CONIFEROUS TREE (TRUNK DIAMETER/DRIP LINE RADIUS)
- W WATER LINE
- W(m) WATER LINE SCALED FROM MAPS
- W WATER MANHOLE
- W WATER VALVE
- FIRE HYDRANT
- FIRE DEPARTMENT CONNECTION
- IRRIGATION VALVE
- SS SANITARY SEWER LINE
- S SANITARY SEWER MANHOLE
- CLEANOUT
- ST STORM SEWER LINE
- ST SANITARY SEWER MANHOLE
- GRATE INLET
- E ELECTRIC LINE
- TRANSFORMER
- EM ELECTRIC METER
- EP ELECTRICAL PANEL
- EV ELECTRIC VAULT
- OWU OVERHEAD UTILITY LINE
- UP UTILITY POLE
- GUY WIRE
- CR CABLE/FIBEROPTIC RISER
- CF CABLE/FIBEROPTIC VAULT
- FO FIBEROPTIC LINE
- T TELEPHONE LINE
- TR TELEPHONE RISER
- G GAS LINE
- LOCATION OF BUILDING HEIGHT/FINISHED FLOOR
- MB MAILBOX
- FFE FINISHED FLOOR ELEVATION
- ELEV ELEVATION
- INV INVERT



Flatirons, Inc.

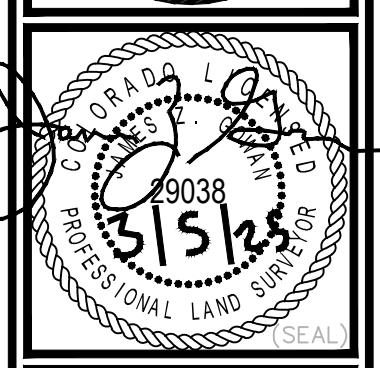
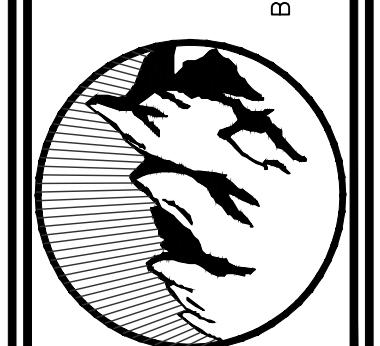
Land Surveying Services

www.flatironsinc.com

3825 IRIS AVE.,
SUITE 355
BOULDER, CO 80301
(303) 443-7001

655 FOURTH AVE.
SUITE 209
LONGMONT, CO 80501
(303) 776-1733

7000 N. BROADWAY,
SUITE 209
DENVER, CO 80221
(303) 936-6997



JOB NUMBER:
24-81,913
DATE:
03-05-2025
DRAWN BY:
M. ROBAK
CHECKED BY:
JJK/TDH/JZG

SHEET 4 OF 4

DATE	REVISION
-	1
-	2
-	3
-	4
-	5
-	6
-	7
-	8
-	9

ALTA/NSPS LAND TITLE SURVEY
PREPARED FOR
GENERATOR DEVELOPMENT
Copyright 2025 Flatirons, Inc.

PUD Use Table			PROPOSED ADDITIONS			Notes
	Current Allowable Use By Right in CEC	Allowed in CEC with Special Review	Permitted Uses Allowed in CEC with Conditional Review	Requested Change to Use by Right	New Uses Proposed as a Use by Right	
Current Allowable Uses in CEC (No changes)						
ACCESSORY BUILDING OR ACCESSORY USE	x					
ACCESSORY DWELLING	x					
ACCESSORY BUILDING OR ACCESSORY USE, SMALL	x					
AGRITOURISM BUSINESS AND SUSTAINABLE AGRICULTURAL USE	x					
ARTISAN MANUFACTURING	x					
ARTISAN STUDIO	x					
BED AND BREAKFAST	x					
CULTIVATION OPERATION	x					
DAY CARE CENTER (ALL AGES)	x					
EVENT CENTER, SMALL	x					
FARMERS' MARKET	x					
FINANCIAL INSTITUTION	x					
GALLERY	x					
GREENHOUSE AND PLANT NURSERY	x					
GROCERY STORE	x					
GROUP HOME FOR PEOPLE WITH DISABILITIES	x					
HOSPITAL	x					
HOTEL OR MOTEL, SMALL	x					
LIGHT INDUSTRIAL USE NOT REQUIRED TO HOLD OPERATING PERMITS FOR AIR EMISSIONS WITH THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT	x					
LONG-TERM CARE FACILITY	x					
MACHINE SHOP	x					
MARIJUANA CENTER	x					
MARIJUANA-INFUSED PRODUCTS MANUFACTURER	x					
MARIJUANA OPTIONAL PREMISES CULTIVATION OPERATION	x					
MEDICAL OR DENTAL OFFICE OR CLINIC	x					
MIXED USE BUILDING (A BUILDING WITH AT LEAST 50% OF THE TOTAL GROSS FLOOR AREA OF THE BUILDING CONSISTING OF RESIDENTIAL USES, ALL OF WHICH RESIDENTIAL USES ARE LOCATED ON THE UPPER FLOORS)	x					
MIXED USE BUILDING (A BUILDING WITH LESS THAN 50% OF THE TOTAL GROSS FLOOR AREA OF THE BUILDING CONSISTING ON RESIDENTIAL USES, ALL OF WHICH RESIDENTIAL USES ARE LOCATED ON UPPER FLOORS)	x					
MUNICIPAL ADMINISTRATIVE OFFICE	x					
MUSEUM	x					
NURSING AND ASSISTED LIVING FACILITY	x					
NURSING FACILITY OR CONSTANT CARE FACILITY	x					

PUD Use Table				PROPOSED ADDITIONS		Notes
		Current Allowable Use By Right in CEC	Allowed in CEC with Special Review	Permitted Uses Allowed in CEC with Conditional Review	Requested Change to Use by Right	
OPTIONAL PREMISES CULTIVATION OPERATION		x				
PERSONAL AND BUSINESS SERVICE SHOP		x				
PERSONAL SERVICE SHOP		x				
PRIVATE SCHOOL		x				
PROFESSIONAL OFFICE		x				
PUBLIC AND PRIVATE SCHOOL, INCLUDING COLLEGE, VOCATIONAL TRAINING AND TECHNICAL TRAINING		x				
PUBLIC FACILITIES, INCLUDING MUNICIPAL OFFICES, PARKS AND TRAILS		x				
RECREATIONAL FACILITY		x				
RECREATIONAL FACILITY, LIMITED INDOOR AND LIMITED OUTDOOR		x				
RESEARCH, EXPERIMENTAL OR TESTING FACILITY		x				
RESTAURANT AND/OR BAR WITHOUT DRIVE-UP FOOD OR BEVERAGE SERVICE, SMALL (4,000SF OR LESS)		x				
RESTAURANT, BAR OR OTHER EATING AND/OR DRINKING PLACE		x				
RETAIL ESTABLISHMENT (INCLUDING GROCERY STORE), SMALL		x				
RETAIL STORE OR ESTABLISHMENT		x				
SOLAR GARDEN, AS AN ACCESSORY USE		x				
STONE CUTTING, FINISHING AND SALES ESTABLISHMENT		x				
STUDIO		x				
VETERINARY HOSPITAL AND VETERINARY FACILITY		x				
WORKSHOP AND CUSTOM SMALL INDUSTRY		x				
Allowed in CEC with Special Review (No Change)						
GASOLINE STATION			x			
KENNEL			x			
TELECOMMUNICATIONS FACILITY			x			
RESTAURANT AND/OR BAR WITH A DRIVE-UP WINDOW FOR FOOD OR BEVERAGE SERVICE, OR THAT OTHERWISE SERVES FOOD OR BEVERAGES TO CUSTOMERS PARKED IN MOTOR VEHICLES, OR A RESTAURANT AND/OR BAR WITH MORE THAN 4,000 SQUARE FEET			x			
LIGHT INDUSTRIAL REQUIRED TO HOLD OPERATING PERMITS FOR AIR EMISSIONS			x			
GASOLINE STATION			x			
SOLAR GARDEN, AS A PRIMARY USE			x			
Uses currently allowed by special/conditional review under CEC zoning.						
Requested to be Use By Right						
AUTOMOBILE, BOAT AND MOTORCYCLE RENTAL AND SALES			x		x	Both Sides - Outdoors sales area limited to 5,000sf without Special Review
HOTEL OR MOTEL, LARGE			x		x	Both Sides

PUD Use Table		PROPOSED ADDITIONS					
		Current Allowable Use By Right in CEC	Allowed in CEC with Special Review	Permitted Uses Allowed in CEC with Conditional Review	Requested Change to Use by Right	New Uses Proposed as a Use by Right	Notes
CAMPGROUND			x		x		South Side Only
DOG DAY CARE FACILITY			x		x		North Side Only
ELECTRIC VEHICLE CHARGE STATION			x		x		Both Sides
EVENT CENTER, LARGE			x		x		Both Sides
LIGHT INDUSTRIAL USE				x	x		Both Sides
MINI-STORAGE FACILITY			x		x		North Side Only
RETAIL ESTABLISHMENT, LARGE			x		x		Both Sides
AUTOMOTIVE AND MOTORCYCLE REPAIR (MAJOR AND MINOR)			x		x		Requesting Minor Only as a UBR
MIXED USE BUILDING (A BUILDING WITH AT LEAST 50% OF THE TOTAL GROSS FLOOR AREA OF THE BUILDING CONSISTING OF RESIDENTIAL USES, ALL OF WHICH RESIDENTIAL USES ARE LOCATED ON THE UPPER FLOORS			x		x		Both Sides

Proposed New Use Requested to be Use by Right

ARTS AND CULTURAL FACILITIES AND SERVICES				x	Both Sides
ASSISTED LIVING FACILITY				x	Both Sides
BUSINESS USE				x	Both Sides
CAR WASH				x	North Side Only
CARETAKER RESIDENCE				x	Both Sides
CHURCH				x	Both Sides
COMMUNITY GARDEN				x	Both Sides
HEALTH AND WELLNESS USE				x	Both Sides
NATURAL MEDICINE				x	Both Sides
NONPROFIT ORGANIZATION FACILITIES AND SERVICES				x	Both Sides
RV STORAGE				x	North Side Only
SMALL MANUFACTURING FACILITY WITH FEWER THAN 10 EMPLOYEES				x	Both Sides

Town of Lyons, Colorado
Board of Trustees Meeting
BOT Agenda Cover Sheet
Agenda Item No: VI.1.
Meeting Date: February 2, 2026

TO: Mayor Rogin and Members of the Board of Trustees

FROM: Lisa Ritchie, Planning and Building Director

DATE: January 29, 2026

ITEM: 2nd Reading and Public Hearing – Ordinance 1196 – an Ordinance of the Town of Lyons, Colorado, Annexing the Property Located at 4497 Ute Highway to the Town of Lyons

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

I. **REQUEST OR ISSUE:** Staff are requesting that the Board of Trustees consider an ordinance approving a petition for annexation for one parcel located at 4497 Ute Highway. **At the time of publication of this packet, the staff have not received a response from the applicant regarding the status of the application.**

Property Information:



The legal description for the parcel follows:

A PARCEL OF LAND, LOCATED IN THE NORTHEAST QUARTER OF SECTION 20,

TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING A PORTION OF THE WESTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN QUITCLAIM DEED RECORDED AT RECEPTION NO. 2944811, DATED JULY 22, 2008 IN THE RECORDS OF BOULDER COUNTY CLERK IN THE RECORDER TO BEAR NORTH 09°54'42" EAST, A DISTANCE OF 102.44 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING THAT THE NORTHWEST CORNER OF SAID PARCEL OF LAND; THENCE SOUTH 09°54'42" WEST, ALONG THE WEST LINE OF SAID PARCEL OF LAND, A DISTANCE OF 32.45 FEET TO THE SOUTHERLY LINE OF THE 48 FOOT RIGHT-OF-WAY FOR THE ROUGH AND READY DITCH, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 57°36'17" EAST, ALONG SAID SOUTHERLY LINE OF THE ROUGH AND READY DITCH, A DISTANCE OF 127.38 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HIGHLAND DRIVE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE OF HIGHLAND DRIVE THE FOLLOWING THREE (3) COURSES:

1. SOUTH 27°39'44" WEST, A DISTANCE OF 27.06 FEET;
2. THENCE SOUTH 21°02'40" WEST, A DISTANCE OF 40.07 FEET;
3. THENCE SOUTH 03°08'10" WEST, A DISTANCE OF 107.87 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF US HIGHWAY 36 AND COLORADO STATE HIGHWAY 66 AND COLORADO STATE HIGHWAY 7; THENCE NORTH 81°02'31" WEST, ALONG SAID NORTHERLY RIGHT OF WAY OF US HIGHWAY 36, A DISTANCE OF 90.95 FEET TO A POINT ON SAID WESTERLY LINE OF SAID PARCEL OF LAND; THENCE NORTH 09°54'42" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 87.98 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

II. PROJECT HISTORY: The property contains an existing vacant structure, built in 1968. The owner, Phoenix Equity Group, purchased the property in 2025. The property is currently zoned Agricultural in Boulder County, which renders the property non-conforming in terms of proposed use. The property owner is seeking annexation to permit retail use on the lot. At this time, the applicant has no plans to make any changes to the property.

At the time of the 2nd Reading and Public Hearing for this ordinance and accompanying resolution, an Annexation Agreement will be considered for approval. This agreement will define the terms of annexation, including connection to Town utilities, required public improvements, and the agreement to work with the owner, Stephen Tebo, of the recently annexed properties to the east regarding the design of intersection improvements at US 66 and US 36.

The parcel is included within the 2012 Lyons Planning Area Comprehensive Development Plan Intergovernmental Agreement with Boulder County and is eligible for annexation. The property has historically been used for commercial purposes, most recently as a retail marijuana store. The applicant requests zoning to Commercial Eastern Corridor (CEC), which will be considered during the public hearings for the annexation application.

III. DISCUSSION:

The Lyons Municipal Code includes the following review criteria for annexations into the Town of Lyons:

Sec. 15-1-310. - Annexation review criteria.

2) The property is eligible for annexation if:

- a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town. Contiguity is not affected by the existence of streets, alleys, rights-of-way, public lands (except County-owned open space) or water bodies between the Town and the land proposed to be annexed. The one-sixth contiguity of the perimeter may be achieved by the annexation of one (1) or more parcels in a series, which can be considered simultaneously for the purpose of the public hearing.

The application meets this criterion.

- b. A community of interest exists between the territory proposed to be annexed and the Town.

There is an established community of interest between this property and the Town of Lyons. The property is adjacent to recently annexed property and will further support economic development within Lyons.

- c. The territory proposed to be annexed is urban or will be urbanized in the near future and is integrated or is capable of being integrated with the Town. Existence of Subparagraph a. above is a basis for a finding of Subparagraphs b. and c., unless the Board of Trustees at a public hearing finds that at least two (2) of the following exist:

- i. Less than fifty percent (50%) of the adult residents of the area proposed to be annexed use any of the recreational, civic, social, religious, industrial or commercial facilities of the Town and less than twenty-five percent (25%) of these adult residents are employed in the annexing Town;

Not applicable.

- ii. At least one-half ($\frac{1}{2}$) of the land proposed to be annexed is agricultural, and landowners constituting at least one-half ($\frac{1}{2}$) of the total area express, under oath, an intention to devote the land to such agricultural use for at least five (5) years; and

Not applicable. While the property is currently zoned Agricultural in Boulder County, it is developed with an existing commercial structure.

- iii. It is physically impractical to extend to the proposed area those urban services the Town provides to all its citizens and upon the same conditions. This standard does not apply to the extent that any portion of an area proposed to be annexed is provided with, or will within the reasonably near future be provided with, service by a quasi-municipal corporation (such as a special district).

This criterion is met. The Town is able to serve the property, once the obligations of the Tebo Annexation Agreement and the associated Annexation Agreement for this application are met.

3) No land held in identical ownership may be divided into separate parcels for annexation without written consent of the landowner unless the parcels are separated by a dedicated street, road or other public way. (This applies even when the federal government owns the land, although federal and state public lands may be ignored for purposes of contiguity).

This criterion is met. The entirety of the property is included within the application.

4) No land in identical ownership that comprises at least twenty (20) acres and that has

improvements with an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes may be included in the annexation without written consent of the owner unless the parcel is located entirely within the outer boundaries of the Town as they exist at the time of annexation.

Not applicable, the property is less than 20 acres.

- 5) No annexation resolution pursuant to [Section 15-1-330](#) of this Chapter and no annexation petition or petition for an annexation election is valid when annexation proceedings have been initiated for the annexation of part of such territory by another Town. In that case, other provisions apply. See Section 31-12-114, C.R.S.

The property is not party to another annexation petition into another territory.

- 6) If an annexation will result in the detachment of area from a school district and its removal to another school district, the annexation petition or petition for annexation election must be accompanied by a resolution of the board of directors of the school district to which such area will be attached, approving the annexation.

The property is included within the St. Vrain School District boundary. Should any residential development ever be proposed, a referral will be provided to the St Vrain School District.

- 7) The parcel annexed must not have the effect of extending the Town's boundary more than three (3) miles in any direction in any one (1) year. This three-mile limit may be exceeded if the limit would have the effect of dividing a parcel of property held in identical ownership if at least fifty percent (50%) of the property is within the three-mile limit. In such event, the entire property held in identical ownership may be annexed in any one (1) year without regard to such mileage limitation. Such three-mile limit may also be exceeded for the annexation of an enterprise zone.

The annexation will not extend the Town's boundary more than three miles. The property is located contiguous to the Town boundary.

- 8) Prior to completion of any annexation within the three-mile area, the Town shall have in place a plan for that area that generally describes the proposed location, character and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities and terminals for water, light, sanitation, transportation and power to be provided by the Town and the proposed land uses for the area. Such plan shall be updated at least once annually.

The property is referenced in the Lyons Thrive Comprehensive Plan. The applicant will be obligated to work with the Town and CDOT to provide access to the site from Highway 66 and Highland Drive.

- 9) If a portion of a platted street or alley is to be annexed, the entire width of the street or alley must be included within the area annexed.

The application does not include right-of-way.

- 10) The Town may not deny reasonable access to landowners or owners of easements or franchises adjoining a platted street or alley that the Town has annexed but that is bounded on one (1) or both sides by unincorporated property.

The Town will not deny reasonable access to the property. The applicant is aware that the intersection of Highway 66, US 36, and Highland Drive requires improvements associated with the Tebo Annexation which will result in changes to the current access design. However, access to the property following reconstruction of the intersection is

required. This design is not final and will require collaboration and input from the applicant.

11) Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels (for example, leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property).

The approval of the annexation will not create a "gap" or "strip" between the property and adjacent property.

12) The land to be annexed and the uses proposed for the land shall contribute to the orderly growth of the Town and shall generally conform to the goals and policies of the Comprehensive Plan.

The property is consistent with the intent of the Lyons Thrive Comprehensive Plan for the eastern corridor, which encourages commercial uses fronting the highway, and adaptive reuse of existing structures.

13) Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the Town in order that the public needs may be served by such facilities. These facilities include, but not by way of limitation, arterial streets, bridges, public parks and recreation areas, school sites, fire and police station sites and storm drainage facilities. The annexation of lands to the Town shall be shown not to create any additional cost or burden on the then-existing residents of the Town to provide such public facilities in any newly annexed area.

The annexation agreement that accompanies this application defines the applicant's responsibility for improvements to the property, including utilities and streets. There will not be a burden on the Town to provide public facilities to the area.

14) The petitioner for annexation shall be responsible for paying the Town's full cost for processing the annexation petition, from initial discussion with the Planning Commission before submittal of the petition, through the approval and recording of the final annexation documents, unless otherwise approved by the Board of Trustees.

The applicant has paid the application fee and executed the application fee agreement with the town.

Staff finds that the application meets all applicable requirements of the criteria for annexation and is eligible for annexation into the Town of Lyons.

IV. RELATIONSHIP WITH OTHER PLANS: The parcel in consideration is eligible for annexation per all applicable State Statutes and code sections of the LMC. The subject parcel is also identified for annexation within the Lyons Thrive Comprehensive Plan and the [Lyons Primary Planning Area Plan](#).

V. RECOMMENDED ACTION / NEXT STEPS: Staff recommends that the Board of Trustees pass the ordinance on 1st Reading and continue the 2nd Reading and Public Hearing until October 20 2025.

VI. FISCAL IMPACTS: The draft Annexation Agreement does not obligate the Town to make any improvements to the property following annexation. The annexor will be responsible for water dedications, and payment of applicable fees, and participation in any required public improvements adjacent to the property.

VII. LEGAL ISSUES: No legal issues have been identified pertaining to the Town with this annexation. Staff are aware that the applicant, as well as the Tebo property to the east, will need to obtain approval from CDOT and the local ditch companies to construct public improvements serving the property.

VIII. CONFLICTS OR ENVIRONMENTAL ISSUES: As noted above, staff are aware that constructing the public improvements to serve the property has challenges related to CDOT right-of-way design requirements and ditch company requirements.

IX. PCDC RECOMMENDATION:

The PCDC held a public hearing on August 11, 2025, to consider the annexation. They voted in unanimous approval of Resolution 18-2025, recommending approval of the annexation.

X. SUMMARY AND ALTERNATIVES: The Board of Trustees may decide not to approve the annexation. If the Board denies the application, the applicant may not reapply for annexation for a period of one year.

Proposed Motion: To be discussed during the meeting.

ATTACHMENTS:

- 1) Draft Ordinance
- 2) Annexation application materials
- 3) Referral comments received to date

**TOWN OF LYONS, COLORADO
ORDINANCE 1196**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO,
ANNEXING THE PROPERTY LOCATED AT 4497 UTE HIGHWAY
TO THE TOWN OF LYONS, COLORADO**

WHEREAS, a written petition, together with four (4) prints of an annexation map, has been filed with the Town of Lyons ("Town") Clerk requesting annexation of certain property located at to be known as "4497 Ute Highway", as more particularly described below; and

WHEREAS, the Town of Lyons Board of Trustees ("Board of Trustees") desires to approve an annexation petition in accordance with the Municipal Annexation Act, Section 31-12-101 et seq., Colorado Revised Statutes, and LMC Chapter 15; and

WHEREAS, the Board of Trustees previously approved Resolution 2025-46, finding substantial compliance and initiating annexation proceedings for the Property, as defined therein and described below; and

WHEREAS, concurrently with the adoption of this Ordinance on second reading, the Board of Trustees approved Resolution 2025-XX, setting forth findings of fact and determinations regarding the Property; and

WHEREAS, the Town of Lyons PCDC has considered the annexation application and held a public hearing regarding the zoning request on August 11, 2025, and

WHEREAS, the subject parcels are called out within the Lyons Thrive Comprehensive Plan, Future Land Use Plan, and the 2012 IGA; and

WHEREAS, the Board of Trustees has determined it is in the best interest of the Town to annex the Property to the Town.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO, AS FOLLOWS:

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

Section 2. The Board of Trustees hereby incorporates the findings of Resolution 2025-46 and 2025-XX and further finds that it is in the best interest of the Town to annex the Property to the Town.

Section 3. The Property is more particularly described in the real property records for Boulder County as:

**THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF BOULDER,
STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:**

A PARCEL OF LAND, LOCATED IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING A PORTION OF THE WESTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN QUITCLAIM DEED RECORDED AT RECEPTION NO. 2944811, DATED JULY 22, 2008 IN THE RECORDS OF BOULDER COUNTY CLERK IN THE RECORDER TO BEAR NORTH 09°54'42" EAST, A DISTANCE OF 102.44 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING THAT THE NORTHWEST CORNER OF SAID PARCEL OF LAND; THENCE SOUTH 09°54'42" WEST, ALONG THE WEST LINE OF SAID PARCEL OF LAND, A DISTANCE OF 32.45 FEET TO THE SOUTHERLY LINE OF THE 48 FOOT RIGHT-OF-WAY FOR THE ROUGH AND READY DITCH, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 57°36'17" EAST, ALONG SAID SOUTHERLY LINE OF THE ROUGH AND READY DITCH, A DISTANCE OF 127.38 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HIGHLAND DRIVE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE OF HIGHLAND DRIVE THE FOLLOWING THREE (3) COURSES:

1. SOUTH 27°39'44" WEST, A DISTANCE OF 27.06 FEET;
2. THENCE SOUTH 21°02'40" WEST, A DISTANCE OF 40.07 FEET;
3. THENCE SOUTH 03°08'10" WEST, A DISTANCE OF 107.87 FEET

TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF US HIGHWAY 36 AND COLORADO STATE HIGHWAY 66 AND COLORADO STATE HIGHWAY 7; THENCE NORTH 81°02'31" WEST, ALONG SAID NORTHERLY RIGHT OF WAY OF US HIGHWAY 36, A DISTANCE OF 90.95 FEET TO A POINT ON SAID WESTERLY LINE OF SAID PARCEL OF LAND; THENCE NORTH 09°54'42" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 87.98 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

is hereby annexed to the Town of Lyons, Colorado, and is made a part of the Town, to be known as the 4497 Ute Highway Property, which annexation shall become effective upon completion of the Conditions contained in C.R.S. Section 31-12-113, including, without limitation, all required filings for recording with the Boulder County Clerk and Recorder.

Section 4. That, in annexing the Property to the Town, the Town does not assume any obligation respecting the construction of water mains, electric service lines, streets, or any other service or utilities in connection with the Property except as may be provided for by Ordinances of the Town or as contractually agreed to in an annexation agreement with the applicant.

INTRODUCED AND PASSED ON FIRST READING THIS _____ DAY OF _____,
2025.

INTRODUCED, AMENDED, PASSED, ADOPTED, AND ORDERED PUBLISHED ON SECOND
READING THIS _____ DAY OF _____ 2026.

TOWN OF LYONS, COLORADO

By: _____
Hollie Rogin, Mayor

ATTEST:

Dolores M. Vasquez, CMC Town Clerk

TOWN OF LYONS, COLORADO

**PLANNING AND COMMUNITY DEVELOPMENT COMMISSION
RESOLUTION 2025-18-PCDC**

**A RESOLUTION OF THE TOWN OF LYONS PLANNING AND COMMUNITY
DEVELOPMENT COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE
APPROVING THE ANNEXATION OF PROPERTY LOCATED AT 4497 UTE
HIGHWAY**

WHEREAS, a written petition, together with four (4) prints of an annexation map has been filed with the Town of Lyons ("Town") Clerk requesting annexation of certain property located at to be known as "4497 Ute Highway," as more particularly described below; and

WHEREAS, the Board of Trustees previously approved Resolution 2025-46, finding substantial compliance and initiating annexation proceedings for the Property, as defined therein and described below; and

WHEREAS, the Town of Lyons PCDC has considered the annexation application and held a public hearing regarding the request on August 11, 2025, and

WHEREAS, the subject parcels are called out within the Lyons Thrive Comprehensive Plan, Future Land Use Plan, and the 2012 IGA; and

WHEREAS, the PCDC has determined it is in the best interest of the Town to annex the Property to the Town.

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING AND COMMUNITY
DEVELOPMENT COMMISSION:**

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

Section 2. The property is more particularly described as:

**THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF BOULDER,
STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:**

A PARCEL OF LAND, LOCATED IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING A PORTION OF THE WESTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN QUITCLAIM DEED RECORDED AT RECEPTION NO. 2944811, DATED JULY 22, 2008 IN THE RECORDS OF BOULDER COUNTY CLERK IN THE RECORDER TO BEAR NORTH 09°54'42" EAST, A DISTANCE OF 102.44 FEET WITH ALL BEARINGS CONTAINED HEREIN

RELATIVE THERETO;

COMMENCING THAT THE NORTHWEST CORNER OF SAID PARCEL OF LAND; THENCE SOUTH 09°54'42" WEST, ALONG THE WEST LINE OF SAID PARCEL OF LAND, A DISTANCE OF 32.45 FEET TO THE SOUTHERLY LINE OF THE 48 FOOT RIGHT-OF-WAY FOR THE ROUGH AND READY DITCH, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 57°36'17" EAST, ALONG SAID SOUTHERLY LINE OF THE ROUGH AND READY DITCH, A DISTANCE OF 127.38 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HIGHLAND DRIVE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE OF HIGHLAND DRIVE THE FOLLOWING THREE (3) COURSES:

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3. THENCE SOUTH 03°08'10" WEST, A DISTANCE OF 107.87 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF US HIGHWAY 36 AND COLORADO STATE HIGHWAY 66 AND COLORADO STATE HIGHWAY 7; THENCE NORTH 81°02'31" WEST, ALONG SAID NORTHERLY RIGHT OF WAY OF US HIGHWAY 36, A DISTANCE OF 90.95 FEET TO A POINT ON SAID WESTERLY LINE OF SAID PARCEL OF LAND; THENCE NORTH 09°54'42" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 87.98 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

Section 3. The PCDC hereby recommends approval of the ordinance.

Section 4. This resolution shall take effect immediately upon adoption.

ADOPTED THIS 11 DAY OF AUGUST, 2025.

**PLANNING AND COMMUNITY
DEVELOPMENT COMMISSION FOR THE
TOWN OF LYONS, COLORADO**

By: Amy Schwartz
Amy Schwartz, Chair

ATTEST:

Maria Marquez-Rubio

Maria Marquez-Rubio
Deputy Town Clerk

Reso 18-2025 4497 Ute Highway Annexation

Final Audit Report

2025-08-13

Created:	2025-08-12
By:	Maria Marquez-Rubio (mmarquezrubio@townoflyons.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA7xGFBT7NIHxHfy2es89b6KvztjeL0m02

"Reso 18-2025 4497 Ute Highway Annexation" History

 Document created by Maria Marquez-Rubio (mmarquezrubio@townoflyons.com)

2025-08-12 - 2:40:51 PM GMT

 Document emailed to aschwartz@townoflyons.com for signature

2025-08-12 - 2:40:54 PM GMT

 Email viewed by aschwartz@townoflyons.com

2025-08-13 - 7:22:25 PM GMT

 Signer aschwartz@townoflyons.com entered name at signing as Amy Schwartz

2025-08-13 - 7:22:41 PM GMT

 Document e-signed by Amy Schwartz (aschwartz@townoflyons.com)

Signature Date: 2025-08-13 - 7:22:43 PM GMT - Time Source: server

 Document emailed to Maria Marquez-Rubio (mmarquezrubio@townoflyons.com) for signature

2025-08-13 - 7:22:44 PM GMT

 Document e-signed by Maria Marquez-Rubio (mmarquezrubio@townoflyons.com)

Signature Date: 2025-08-13 - 7:33:44 PM GMT - Time Source: server

 Agreement completed.

2025-08-13 - 7:33:44 PM GMT



Adobe Acrobat Sign

Letter of Intent and Statement of Community Need

Phoenix Equity Group Inc
phoenixequity24@gmail.com
435-219-5916

April 14, 2025

Board of Trustees
Town of Lyons
432 5th Avenue
Lyons, CO 80540

Subject: Letter of Intent and Statement of Community Need for Annexation of 4497 Ute Highway

Dear Members of the Board of Trustees,

On behalf of Phoenix Equity Group, I respectfully submit this Letter of Intent and Statement of Community Need to formally request annexation of the property located at 4497 Ute Highway into the Town of Lyons. This letter introduces our organization, outlines the annexation request, explains the public benefit of this annexation, and details the requested zoning and proposed use of the property.

Introduction of the Applicant

Phoenix Equity Group is a corporation controlled by the Merkley family, longtime residents of the Weld/Boulder County area since 1989. I, David Merkley, currently reside in Pinewood Springs with my children, who attend Lyons Middle and Elementary Schools. Our family is deeply connected to the Lyons community, both personally and professionally.

Annexation Request

We are seeking annexation of 4497 Ute Highway to transition the property's jurisdiction from Boulder County, where it is currently zoned Agricultural with a non-conforming use designation for a marijuana dispensary. We are seeking a zoning designation of Commercial Eastern Corridor, which is appropriate for the location and our intended use. Annexation into the Town of Lyons will enable us to align with community goals and zoning regulations, while ensuring long-term use of the property is consistent with town planning.

Statement of Community Benefit

Upon annexation, Phoenix Equity Group will lease the building to **Western Stars Art Gallery**, a well-established and valued cultural institution that has served Lyons for more than 12 years. Western Stars Gallery features artwork and artisan goods from over 250 regional artists, with a strong emphasis on handmade, sustainable, and ethically sourced items.

The gallery's relocation to this site will:

- Enrich Lyons' cultural and artistic identity by providing expanded space for regional artists.
- Support the local economy through increased foot traffic and tourism.
- Provide a community gathering space that reflects Lyons' values of creativity, sustainability, and connection.
- Align with the **Lyons Comprehensive Plan** and **Lyons Thrive** strategies, which emphasize arts, small business support, and culturally vibrant spaces within walkable corridors.

Requested Zoning

We respectfully request that the property be zoned **Commercial Eastern Corridor (CEC)**. This zoning is consistent with the property's location and the type of use proposed. The CEC designation supports mixed commercial use and encourages economic development that is aligned with the town's vision for the Eastern Corridor, as outlined in the **2013 Commercial Eastern Corridor Zoning District Ordinance**.

Development Plans

No significant structural changes are planned for the property. The existing building will be utilized to house Western Stars Gallery, with any necessary modifications limited to interior adjustments and signage to suit the new occupant's operational needs. This approach ensures minimal environmental impact and preserves the existing character of the property.

We believe that this annexation and subsequent use of the property will provide meaningful benefits to the Town of Lyons, aligning with both community values and strategic planning objectives.

Thank you for considering our request. We look forward to the opportunity to contribute positively to the Lyons community.

Sincerely,

A handwritten signature in black ink that reads "David Merkley". The signature is fluid and cursive, with "David" on the top line and "Merkley" on the bottom line.

David Merkley
Phoenix Equity Group

SIGNATURE WITNESSING

State of Utah)

§

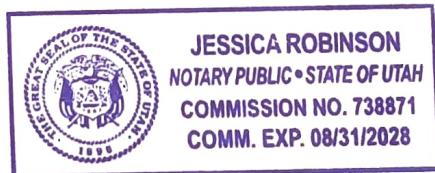
County of Webster)

On this 17 day of June, in the year 2025, before me, Jessica Robinson,
Date Month Year Name of Notary Public

personally appeared David Merkley, proved to me through satisfactory evidence of
Name of Document Signer

identification, which was US Passport to be the person whose name is signed on the
Form of Identification

preceding or attached document in my presence.



Jessica Robinson
Notary Signature

(seal)

ANNEXATION PETITION

TO THE MAYOR AND BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO:

The undersigned, in accordance with Title 31, Article 12, Chapters 101 et seq., Colorado Revised Statutes, hereby petition the Board of Trustees of the Town of Lyons for annexation into the Town of Lyons the territory described herein and described and shown on the map designated "Annexation Map". Four (4) copies of said map are submitted herewith and by this reference are incorporated herein. The description of the territory hereby petitioned for annexation into the Town is set forth in Exhibit "A" attached hereto and incorporated herein by reference (Exhibit "A" must be an original printed property description on 8-1/2 x 11 white paper.)

In support of this petition, the petitioner(s) allege(s) that:

1. It is desirable and necessary that the above-described territory be annexed to the Town of Lyons.
2. The requirements of Section 31-12-104 and 31-12-105 of the Colorado Revised Statutes exist or have been met in that:
 1. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the Town of Lyons.
 2. A community of interest exists between the territory proposed to be annexed and the Town of Lyons.
 3. The territory sought to be annexed is urban or will be urbanized in the near future.
 4. The territory sought to be annexed is integrated or is capable of being integrated with the Town of Lyons.
 3. In establishing the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of the tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has/have been divided into separate parts of parcels of real estate without the written consent of the landowner or landowners thereof, except and unless where such tracts or parcels are already separated by a dedicated street, road, or other public way.
 4. In establishing the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate comprising twenty (20) acres or more which, together with the building and improvements situated thereon have an assessed valuation in excess of \$200,000 for ad valorem tax purposes for the year next preceding the filing of the written petition for annexation, has/have been included within the territory proposed to be annexed without the written consent of the land owner or land owners.
 5. The territory proposed to be annexed does not include any area which is the same or substantially the same area in which an election for an annexation to the Town of Lyons was held within the twelve months preceding the filing of this petition.

6. The territory proposed to be annexed does not include any area included in another annexation proceeding involving a town other than the Town of Lyons.
7. The territory proposed to be annexed is not presently a part of any incorporated town, city or city and county or if the property is part of another town or city or city and county, it will be disconnected from such municipality prior to consideration of the annexation.
8. The property owned by each petitioner (when there is more than one petitioner) is described on each separate exhibit fully describing the property.
9. If a portion of a platted street or alley is to be annexed, the entire width of said street or alley is included within the area proposed to be annexed.
10. The proposed annexation would not have the affect of extending a municipal boundary more than three (3) miles in any direction from any point of any such municipal boundary in any one year.
11. The undersigned is the owner(s) of one hundred percent (100%) of the territory included in the area proposed to be annexed exclusive of streets and alleys.

Accompanying this petition are the original and four copies of an annexation plat map containing the following information:

1. A written legal description of the boundaries of the area proposed to be annexed.
2. A map showing the boundary of the area proposed to be annexed.
3. Within the annexation boundary map, an identification of the location of each ownership tract in un-platted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks. Also, within the boundary map, identification of any special districts the area proposed to be annexed may be part of.
4. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.
5. A surveyor's certificate prepared by a registered land surveyor that attests to the preparation of the map and certifies at least one-sixth (1/6) contiguity to the Town of Lyons.
6. Acceptance block describing the acceptance action of the Town of Lyons and providing for the effective date and Town Clerk and Mayor attest signatures.

THEREFORE, the undersigned respectfully petition the Board of Trustees of the Town of Lyons to annex the territory described and referred to in Exhibit "A" to the Town of Lyons in accordance with and pursuant to the statutes of the State of Colorado.

Parcel #:	120320100005	Date:	April 14, 2025
Landowner(s) Name(s):	Phoenix Equity Group Inc	Landowner(s) Signature(s)	
Mailing Address(es): 55 Button Rock Rd, Lyons, CO 80540			

Parcel #:	Date:
Landowner(s) Name(s):	Landowner(s) Signature(s)
Mailing Address(es):	

Parcel #:	Date:
Landowner(s) Name(s):	Landowner(s) Signature(s)
Mailing Address(es):	

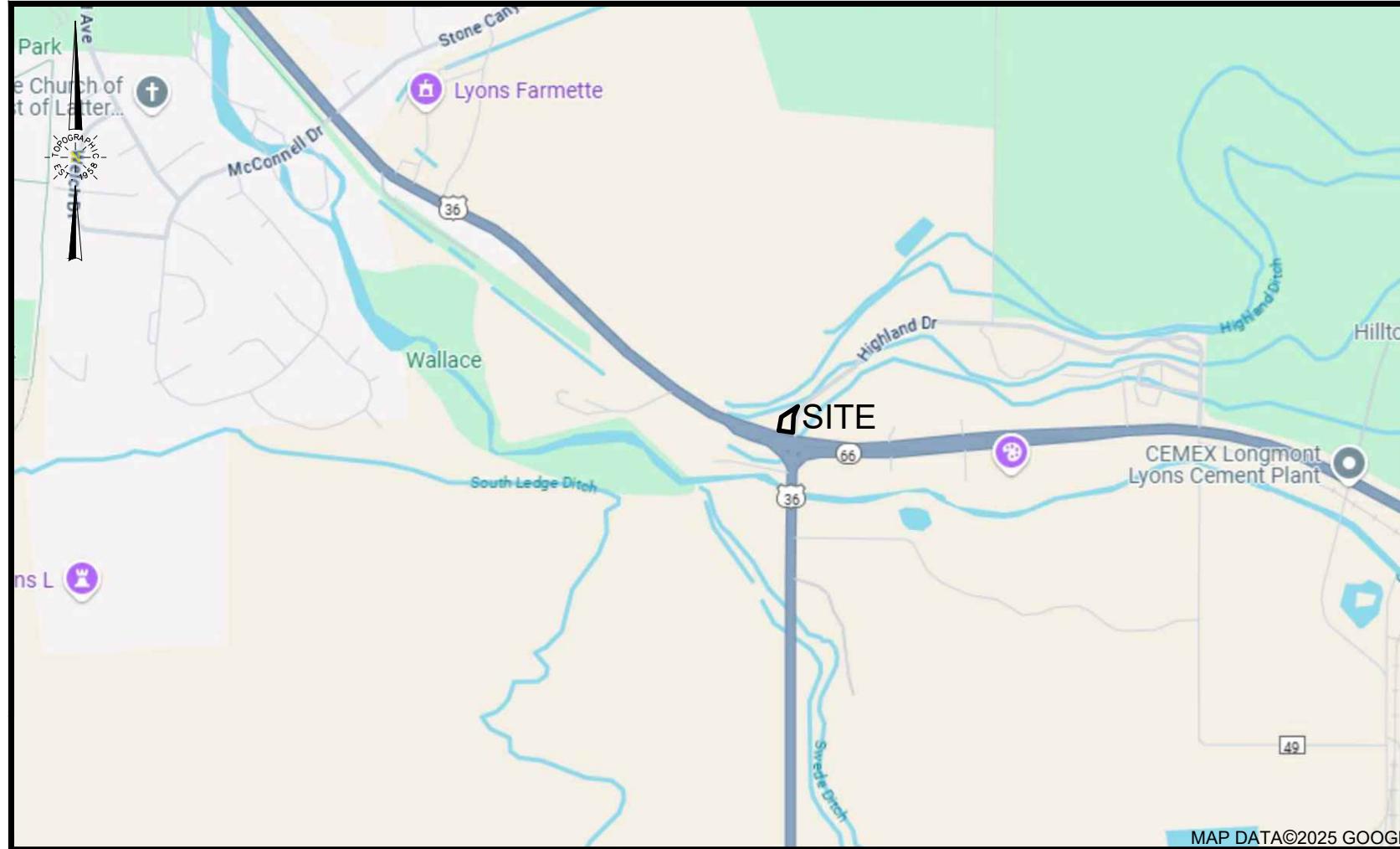
The foregoing signature(s) was/were subscribed and sworn to before me this 17 day of June, 2025 by David Merkley

Witness my hand and official seal.

My commission expires: Aug. 31, 2028

Jessica Robinson
Notary Public





VICINITY MAP N.T.S.

PROPERTY DESCRIPTION: (PROVIDED BY FIRST NATIONAL TITLE INSURANCE COMPANY AT COMMITMENT NO. 171-F04411-25)

A PARCEL OF LAND, SITUATED IN SECTION 5, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL B1:
THAT PART OF THE SW 1/4 NE 1/4 OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT AT THE INTERSECTION OF CENTERLINE OF LONGMONT-LYONS HIGHWAY NO. 66 AND THE BOULDER-LYONS HIGHWAY 7;
THENCE RUNNING NORTH 02°10' EAST 331 FEET TO THE SOUTHERLY BANK OF THE ROUGH AND READY DITCH;
THENCE SOUTH 49°52' WEST ALONG THE SOUTHERLY BANK OF SAID DITCH A DISTANCE OF 100.3 FEET;
THENCE SOUTH 08°27' WEST 243.4 FEET TO THE CENTERLINE OF SAID LONGMONT-LYONS HIGHWAY NO. 66;
THENCE SOUTH 72°57' EAST ALONG THE CENTERLINE OF SAID HIGHWAY 66 A DISTANCE OF 108.2 FEET TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION WHICH IS INCLUDED IN A STRIP OF LAND 48 FEET IN WIDTH RUNNING FROM THE LYONS-LONGMONT COUNTY ROAD TO THE EAST LINE OF THE SW 1/4 NE 1/4 OF SECTION 20, THE NORTH LINE OF WHICH STRIP OF LAND IS THE NORTH LINE OF THE ROUGH AND READY DITCH, AS CONVEYED TO THE ROUGH AND READY IRRIGATING DITCH CO., BY DEED RECORDED DECEMBER 16, 1920, IN BOOK 450 PAGE 543;

EXCEPT THAT PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, IN INSTRUMENT RECORDED NOVEMBER 24, 1967 AS RECEPION NO. 864444, AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST PROPERTY LINE FROM WHICH THE SOUTHEAST CORNER OF THE NE 1/4 OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST, BEARS SOUTH 64°27'30" EAST, A DISTANCE OF 1558.3 FEET;

THENCE SOUTH 80°53'30" EAST, A DISTANCE OF 106.1 FEET TO THE EAST PROPERTY LINE;

THENCE ALONG THE EAST PROPERTY LINE, SOUTH 08°20'30" WEST, A DISTANCE OF 138.9 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF THE C.B. & Q.R.R. (MAY 1867);

THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF THE C.B. & Q.R.R. (MAY 1867), ALONG THE NORTHERLY RIGHT OF WAY LINE OF THE C.B. & Q.R.R. (MAY 1867), ALONG THE ARC OF A CIRCLE TO THE RIGHT, HAVING A RADIUS OF 1382.7 FEET, A DISTANCE OF 105.5 FEET (THE CHORD OF THIS BEARS NORTH 74°32'30" EAST, A DISTANCE OF 105.5); THENCE ALONG THE WEST PROPERTY LINE, NORTH 07°41'30" EAST, A DISTANCE OF 127.3 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO

PARCEL B2:
A PARCEL OF LAND LOCATED WITHIN THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., SAID PARCEL BEING BOUNDED AS FOLLOWS:

BY THE EAST LINE OF A TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED AUGUST 31, 1971 ON FILM 743 AS RECEPION NO. 988285 IN THE OFFICE OF THE BOULDER COUNTY CLERK AND RECORDER,

BY THE MOST SOUTHERLY LINE EXTENDED EASTERLY (A LINE PARALLEL WITH AND 48 FEET DISTANT FROM THE NORTH LINE OF THE ROUGH AND READY DITCH) OF A TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED DECEMBER 13, 1920 IN BOOK 460 AT PAGE 543 IN THE OFFICE OF THE BOULDER COUNTY CLERK AND RECORDER,

BY THE WEST LINE OF A TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED APRIL 19, 1994 ON FILM 1965 AS RECEPION NO. 1417948 IN THE OFFICE OF THE BOULDER COUNTY CLERK AND RECORDER,

BY THE WEST LINE OF A TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED MAY 20, 1994 ON FILM 1977 AS RECEPION NO. 1423342 IN THE OFFICE OF BOULDER COUNTY CLERK AND RECORDER,

BY THE NORTH LINE OF A PARCEL OF LAND DESCRIBED IN INSTRUMENT RECORDED JANUARY 1, 1968 AS RECEPION NO. 869134 IN THE OFFICE OF THE BOULDER COUNTY CLERK AND RECORDER,

EXCEPTING THEREFROM A FORTY (40) FOOT WIDE RIGHT OF WAY FOR HIGHLAND DRIVE (ALSO KNOWN AS BOULDER COUNTY ROAD NO. 49 AND FORMERLY KNOWN AS OLD ESTES PARK HIGHWAY),

SAID PARCEL OF LAND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED AUGUST 31, 1971 ON FILM 743 AS RECEPION NO. 988285;

THENCE NORTH 02°56'07" EAST ALONG THE EAST LINE OF SAID TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED AUGUST 31, 1971 ON FILM 743 AS RECEPION NO. 988285, A DISTANCE OF 174 FEET, MORE OR LESS, TO THE SOUTH LINE OF THAT TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED DECEMBER 13, 1920 IN BOOK 460 AT PAGE 543;

THENCE NORTH 02°12'30" EAST ALONG THE MOST NORTHERLY LINE EXTENDED EASTERLY (A LINE PARALLEL WITH AND 48 FEET DISTANT FROM THE NORTHERLY LINE OF THE ROUGH AND READY DITCH) OF A TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED DECEMBER 13, 1920 IN BOOK 460 AT PAGE 543, A DISTANCE OF 47 FEET, MORE OR LESS, TO THE WEST RIGHT OF LINE OF HIGHLAND DRIVE (ALSO KNOWN AS BOULDER COUNTY ROAD NO. 49, AND FORMERLY KNOWN AS OLD ESTES PARK HIGHWAY);

THENCE ALONG THE WEST RIGHT OF WAY LINE OF HIGHLAND DRIVE, ALONG A CURVE TO THE LEFT 87 FEET, MORE OR LESS, SAID CURVE HAVING A RADIUS OF 154 FEET, MORE OR LESS;

THENCE SOUTH 08°23'28" WEST ALONG THE WEST RIGHT OF WAY LINE OF HIGHLAND DRIVE, A DISTANCE OF 115 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

CLERK AND RECORDER'S CERTIFICATE:

STATE OF COLORADO)
COUNTY OF)
SS.

I HEREBY CERTIFY THAT THIS ANNEXATION MAP WAS FILED IN MY OFFICE AT _____ O'CLOCK ON THE

DAY OF _____, 20____ AND WAS RECORDED AT RECEPION NO. _____

SIGNATURE
BOULDER COUNTY CLERK AND RECORDER

ANNEXATION TABLE:

TOTAL BOUNDARY: 481 L.F.
1/6 OF TOTAL BOUNDARY: 80.17 L.F.
CONTIGUOUS BOUNDARY: 175.01 L.F.

ANNEXATION MAP

TO THE TOWN OF LYONS

A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, COLORADO

AREA = 10,639 SQ. FT. OR 0.24 ACRES, MORE OR LESS

SHEET 1 OF 1

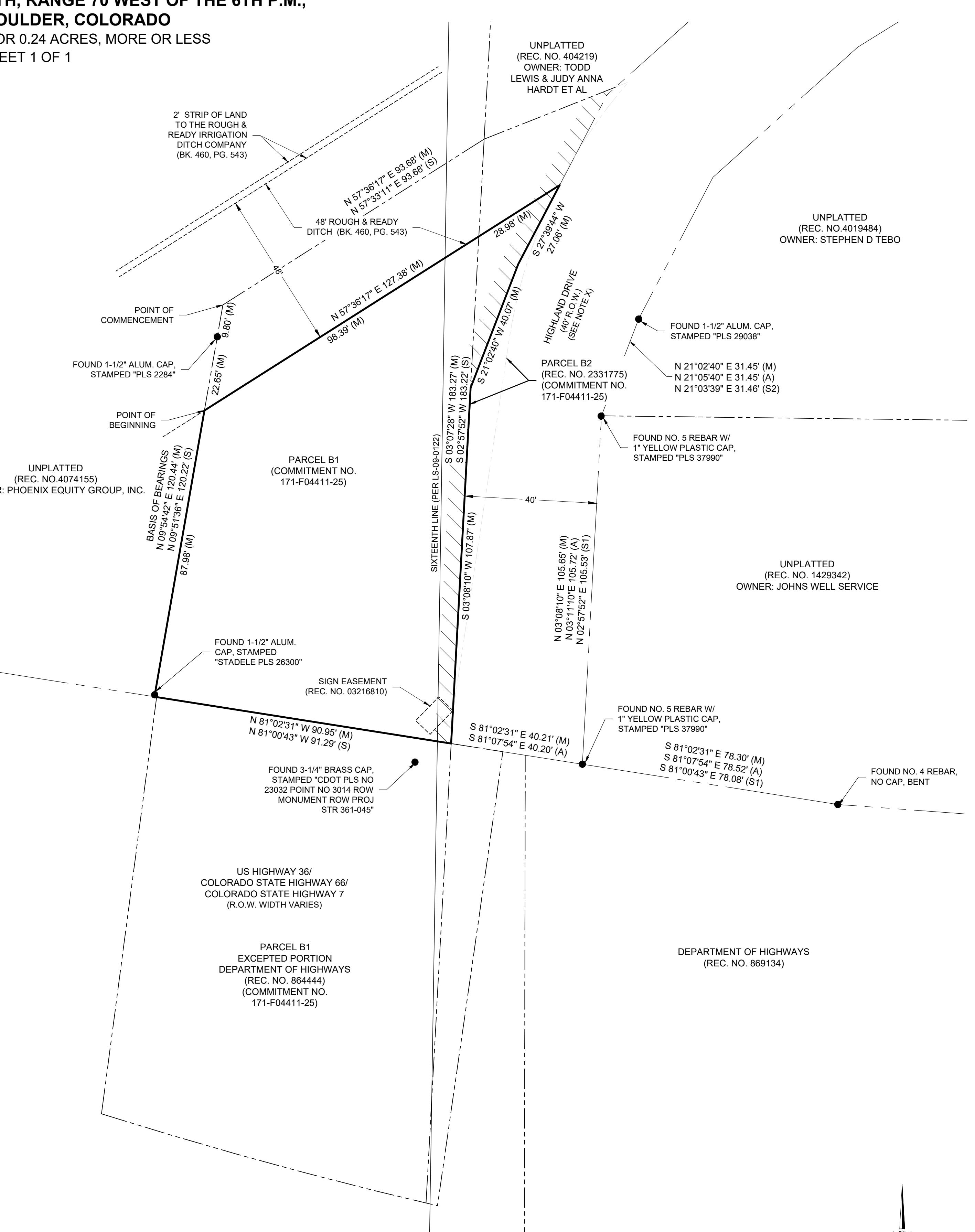
BOUNDARY CLOSURE REPORT:

COURSE: N81°02'31" W LENGTH: 90.95'
COURSE: N09°54'42" E LENGTH: 87.98'
COURSE: N57°36'17" E LENGTH: 127.38'
COURSE: S27°39'44" W LENGTH: 27.06'
COURSE: S21°02'40" W LENGTH: 40.07'
COURSE: S3°08'10" W LENGTH: 107.87'

AREA: 10,639 SQ. FT.
ERROR CLOSURE: 0.0001
COURSE: S08°02'40" W
ERROR NORTH: -0.00007
ERROR EAST: -0.00001
PRECISION: 1.4813216.0000

LEGEND

- ANNEXATION BOUNDARY
- EXISTING CITY LIMITS
- ADJOINER LINE
- EASEMENT LINE
- RIGHT OF WAY LINE
- SECTION LINE
- FOUND MONUMENT AS DESCRIBED
- (M) AS MEASURED
- (S) AS PER LAND SURVEY PLAT AT LS-09-0122, SEPT. 16, 2009
- (S1) AS PER LAND SURVEY PLAT AT LS-09-0124, SEPT. 16, 2009
- (S2) AS PER LAND SURVEY PLAT AT LS-09-0121, SEPT. 16, 2009
- (A) AS PER ANNEXATION MAP FLATIRONS, INC. AT JOB NO. 22-77-758, FEB. 8, 2024



TOPOGRAPHIC
LOYALTY INNOVATION LEGACY
520 STACY COURT, UNIT B, LAFAYETTE, CO 80026
TELEPHONE: (303) 669-0359 | FAX: (303) 669-6320
WWW.TOPOGRAPHIC.COM

ANNEXATION MAP

1 OF 1

FILE:
4497_Ute_Hwy_Annexation
DRAFT: EVB
CHECK: BV, XX
DATE: 6/13/2025

REVISION
NO. DESCRIPTION DATE

COVER &
ANNEXATION MAP

Consistency with Lyons 2023 Thrive Comprehensive Plan

The proposed annexation of 4497 Ute Highway, to be occupied by Western Stars Art Gallery, is strongly aligned with the vision, goals, and strategies outlined in the Town of Lyons' 2023 Lyons Thrive Comprehensive Plan. This initiative supports Lyons' commitment to fostering a vibrant, creative, and economically resilient community, and directly contributes to the following areas of focus in the plan:

1. Arts, Culture, and Community Identity

Western Stars Art Gallery, a well-established local arts institution, aligns directly with Lyons' goal to "celebrate and promote the arts and creative expression as key components of Lyons' identity." As noted in the Comprehensive Plan, Lyons seeks to expand its role as a creative hub. By annexing this property and bringing Western Stars into town boundaries, Lyons reinforces its commitment to supporting local artists, enhancing cultural assets, and encouraging arts-based community engagement.

2. Economic Development and Tourism

The reestablishment of Western Stars Art Gallery in Lyons contributes to the town's economic development strategy by promoting small business growth and tourism. As a longstanding local business with strong community roots, Western Stars attracts both residents and visitors, helping to strengthen Lyons' local economy and support a diverse business environment. This is consistent with the plan's strategy to "support locally-owned businesses and creative enterprises" and to "enhance the town's tourism economy through arts and cultural offerings."

3. Land Use and Growth Management

Annexing this adjacent property provides an opportunity for intentional and sustainable growth consistent with the town's land use vision. The proposed Commercial Eastern Corridor (CEC) zoning is compatible with the town's desire to concentrate commercial activity in designated corridors and maintain Lyons' small-town character while encouraging economic vitality.

4. Community Services and Infrastructure

Bringing the property into town limits allows for better coordination of municipal services and ensures that the site is developed or maintained in accordance with Lyons' standards for infrastructure, design, and community integration. This aligns with the plan's goal to "provide high-quality infrastructure and services that support current and future needs."

5. Gateway and Visual Character

The property at 4497 Ute Highway is located along a key entry corridor into Lyons. Occupation by Western Stars Art Gallery supports the town's strategy to "enhance entryways and corridors

to reflect the town's character and appeal," offering an aesthetically engaging and welcoming presence for those arriving from the east.

Conclusion

The annexation and future use of 4497 Ute Highway by Western Stars Art Gallery is a clear example of thoughtful growth that honors Lyons' values and strategic priorities. It supports local culture, enhances economic resilience, and strengthens the town's identity as a creative and inclusive community—hallmarks of the Lyons Thrive Comprehensive Plan.

Bushong & Holleman PC

Attorneys at Law
1966 13th Street, Suite 270, Boulder, Colorado 80302

Steven J. Bushong
Paul (Fritz) Holleman

—
Cassidy L. Woodard
Kate A. Bosh
Paul J. Raymond

Karen L. Henderson
Of Counsel

—
Veronica A. Sperling
Retired

—
(303) 431-9141
BH-Lawyers.com

May 14, 2025

Town of Lyons
432 5th Avenue
Lyons, Colorado 80540

Re: Water Resources at 4497 Ute Highway, Longmont Colorado 80503

Dear Town of Lyons Staff:

Our firm represents Dave Merkley, who's company is the owner of the property located at 4497 Ute Highway, Longmont, Colorado 80503 ("the property"). We have been asked to provide a brief report on any water resources associated with the property to support our client's request for annexation into the Town of Lyons. This report is not intended to be a title opinion on water rights and is instead a summary of any water resources associated with the property. For any questions regarding this report, please contact our firm at the address above.

To develop this report, our firm reviewed the deed by which our client took ownership of the property. We also conducted searches for surface water, groundwater, and well rights through the State of Colorado's Decision Support System database, and the Colorado Department of Water Resources Map Viewer database (collectively "DWR Database"). The following summarizes our findings.

Groundwater Rights

Our review of the property in the DWR Database revealed one well permit issued by the State of Colorado associated with the property, Division of Water Resources Well Permit No. 32554-A ("well 32554-A"). Well 32554-A is currently permitted only for uses described under C.R.S. 37-92-602(1)(c) for drinking and sanitary facilities inside a commercial business. Well 32554-A is limited to 15gpm, a total of .33 acre-feet per year (108,600 gallons), and requires use of a non-evaporative waste disposal system. A copy of the well permit is attached hereto as "Exhibit A." Well 32554-A is for an exempt well, meaning it is exempt from administration in priority with water rights based on the assumption that no material injury will result from the allowed use. We note that the well permit is currently not in our client's name, however, we are

recommending a change of ownership form be submitted to the Division of Water Resources, which is merely a ministerial task.

We have confirmed through the DWR Database there are no other groundwater rights associated with the property, including no other well rights. Nor does there exist any Denver Basin or designated basin groundwater underlying the property. While the special warranty deed which conveyed the property does not specifically identify any water rights, the well would be expected to transfer through the appurtenance clause in the deed. A copy of the deed is attached hereto as "Exhibit B."

Surface Water Rights

Our review of the property in the DWR Database revealed that there are no surface water rights of any kind connected with our client's ownership of the property. The Exhibit B special warranty deed likewise does not explicitly convey any surface water rights. Accordingly, based upon the information reviewed, it is our opinion that our client does not own any rights to surface water associated with the property, nor does our client own any shares in any irrigation or ditch company associated with the property.

Please let us know if you have any questions or if we can be of further assistance.

Sincerely,

BUSHONG & HOLLEMAN, P.C.

By: Paul Raymond
Paul J. Raymond
Steve Bushong
Counsel for Dave Merkley

Form No.
GWS-25OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

1425

APPLICANT

WELL PERMIT NUMBER 32554 - A
DIV. 1 WD 5 DES. BASIN MDAER INVESTMENTS LLC
24 PINE BROOKE RD
BOULDER, CO 80304-

(303) 247-0903

APPROVED WELL LOCATION

BOULDER COUNTY
SW 1/4 NE 1/4 Section 20
Township 3 N Range 70 W Sixth P.M.

DISTANCES FROM SECTION LINES

1940 Ft. from North Section Line
1365 Ft. from East Section Line

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: Northing:

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-92-602(3)(c) for the relocation of an existing well, permit no. 32554-A. The old well must be plugged in accordance with Rule 16 of the Water Well Construction Rules within ninety (90) days of completion of the new well. The enclosed Well Abandonment Report form must be completed and submitted to affirm that the old well was plugged.
- 4) Approved pursuant to the policy of the State Engineer for appropriation of ground water tributary to South Platte River system.
- 5) The use of ground water from this well is limited to drinking and sanitary facilities as described in CRS 37-92-602(1)(c), for a commercial business. Water from this well shall not be used for lawn or landscape irrigation or for any other purpose outside the business building structure.
- 6) The pumping rate of this well shall not exceed 15 GPM.
- 7) The annual amount of ground water to be diverted by this well shall not exceed 1/3 acre-foot (108,600 gallons).
- 8) Approved as the only well on a tract of land of 0.29 acre(s) described as the SW 1/4 of the NE 1/4 of Section 20, Township 3N, Range 70 W of the 6th P.M., Boulder County, reference attached exhibit "A".
- 9) The return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 10) A totalizing flow meter must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.
- 11) This well shall be constructed not more than 200 feet from the location specified on this permit. *A.D.B. 10-26-2012*

APPROVED
ADB

Receipt No. 3654562

State Engineer

DATE ISSUED

10-26-2012

By

EXPIRATION DATE 10-26-2014

*Dick Wolfe**Arlene D. Boone*

Change in Owner Name/Contact Information for Well Permits For Use in Connection with a Real Estate Transaction

To be completed by the individuals or entities claiming ownership of a well permit, and submitted by title companies/settlement agents as an uploaded attachment using the eForm Submittal Tool.

New Well Owner(s) Contact Information:

Name(s)*:	David Merkley
Organization ¹ :	Phoenix Equity Group, Inc., a Florida corporation
Mailing Address*:	
City, St., Zip*:	
Phone:	
Email(s)*:	

*required fields to submit eForm.

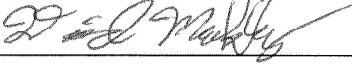
¹ONLY enter a name here if the Organization itself OWNS the well.

Well Permit

Well Permit Number*	Physical Address of the parcel on which the well is located (include city and zip)
32554-A	4497 Ute Highway, Longmont, CO 80503-9186

*required field (except when using the title company eForm for wells where a valid permit number cannot be identified. In those cases, this form can still be completed and uploaded; however, the permit number would be left blank on this form)

I (we) claim and say that I am (we are) the owner(s) of the well permit described above, know the contents of the statements made herein, and state that they are true to my (our) knowledge. This filing is made pursuant to C.R.S. 37-90-143. I (we) understand that filing a Change of Owner Name/Contact Information form is for contact information purposes only. Filing this form does not convey real property.

Signature of the New Owner(s)*	Please print the Signer's Name* & Trust	Date*
	Phoenix Equity Group, Inc., a Florida corporation	01/21/2025

*required fields

Note: If there are multiple owners with different mailing addresses or additional room is needed for signatures, please include this as an attachment to the form.

After Recording Return To:
Phoenix Equity Group, Inc.
Attn: David Merkley
4435 Ute Highway
Longmont, CO 80503

SPECIAL WARRANTY DEED

THIS DEED is made as of January 21, 2025, between AER Investments, LLC, a Colorado limited liability company (the "Grantor"), and Phoenix Equity Group, Inc., a Florida corporation, whose address is 4435 Ute Highway, Longmont, CO 80503 (the "Grantee").

Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto Grantee and Grantee's successors and assigns forever, all the real property, together with any improvements thereon, located in the County of Boulder, State of Colorado, legally described as

SEE EXHIBIT A LEGAL DESCRIPTION ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE,

and known as 4497 Ute Highway, Longmont, CO 80503 (the "Property").

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of, in and to the Property, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the Property, with the appurtenances, unto Grantee and Grantee's successors and assigns forever. Grantor, for itself and its successors and assigns, does covenant and agree that Grantor shall and will WARRANT AND FOREVER DEFEND the Property in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under Grantor, except for and subject to: (i) taxes and assessments for the year 2025 and subsequent years, not yet due and payable; (ii) those specific matters set forth in Exhibit B attached hereto and incorporated herein by this reference; and (iii) statutory exceptions as defined in C.K.S. § 38-30-113(5)(a).

IN WITNESS WHEREOF, the Grantor has executed this Special Warranty Deed effective as of the date first set forth above.

GRANTOR:

DMRR, LLC, a Colorado limited liability company

By:

David Rheingold, Manager

(ACKNOWLEDGMENT ON FOLLOWING PAGE)

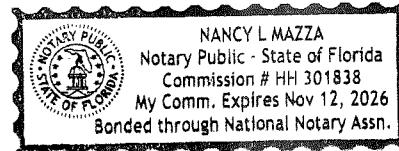
STATE OF Florida)
COUNTY OF Broward) ss:
)

The foregoing instrument was acknowledged before me this 17 day of January, 2025, by David Rheingold, as Manager of DMRR, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 11/12/2026.

Nancy L Mazza
Notary Public
Nancy L. Mazza



**EXHIBIT A
TO
SPECIAL WARRANTY DEED**

Legal Description
(4497 Ute Highway, Longmont, CO 80503)

PARCEL 1:

That part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Township 3 North, 70 West of the 6th P.M., described as follows:

Beginning at a point at the intersection of the centerline of the Longmont- Lyons Highway No. 66 and the Boulder-Lyons Highway No. 7;

Thence running North 02°10' East 331 feet to the Southerly bank of the Rough and Ready Ditch;

Thence South 49°52' West along the Southerly bank of said ditch a distance of 100.3 feet;

Thence South 08°27' West 243.4 feet to the centerline of said Longmont-Lyons Highway No. 66;

Thence South 72°57' East along the centerline of said Highway No. 66 a distance of 108.2 feet to the point of beginning;

Except that portion which is included in a strip of land 48 feet in width running from the Lyons- Longmont County Road to the East line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, the North line of which strip of land is the North line of the Rough and Ready Ditch, as conveyed to the Rough and Ready Irrigating Ditch Co., by Deed recorded December 16, 1920, in Book 460 at Page 543; and,

Except that portion conveyed to the Department of Highways, State of Colorado, in instrument recorded November 24, 1967 as Reception No. 864444, and described as follows:

Beginning at a point on the West property line from which the Southeast corner of the NE $\frac{1}{4}$ of Section 20, Township 3 North, Range 70 West, bears South 64°27'30" East, a distance of 1,558.3 feet; thence South 80°53'30" East, a distance of 106.1 feet to the East property line; Thence along the East property line, South 08°20'30" West, a distance of 138.9 feet to the Northerly right of way line of the C.B. & Q.R.R. (May 1967);

Thence 50.0 feet Northerly from and parallel with the centerline of the C.B. & Q.R.R. (May 1967), along the Northerly right of way line of the C.B. & Q.R.R. (May 1967), along the arc of a curve to the right, having a radius of 1,382.7 feet, a distance of 105.5 feet (the chord of this arc bears North 74°32'30" West, a distance of 105.5 feet);

Thence along the West property line, North 07°41'30" East, a distance of 127.3 feet, more or less, to the point of beginning, County of Boulder, State of Colorado.

PARCEL 2:

A parcel of land located within the Northeast $\frac{1}{4}$ of Section 20, Township 3 North, Range 70 West of the 6th P.M., said parcel being bounded as follows:

By the East line of a tract of land described in instrument recorded August 31, 1971 on Film 743 as Reception No. 988285 in the office of the Boulder County Clerk and Recorder,

By the most Southerly line extended Easterly (a line parallel with and 48 feet distant from the North line of the Rough and Ready Ditch) of a tract of land described in instrument recorded December 13, 1920 in Book 460 at Page 543 in the office of the Boulder County Clerk and Recorder,

By the West line of a tract of land described in instrument recorded April 19, 1994 on Film 1965 as Reception No. 1417848 in the office of the Boulder County Clerk and Recorder,

By the West line of a tract of land described in instrument recorded May 20, 1994 on Film 1977 as Reception No. 1429342 in the office of the Boulder County Clerk and Recorder,

By the North line of a parcel of land described in instrument recorded January 1, 1968 as Reception No. 869134 in the office of the Boulder County Clerk and Recorder,

Excepting therefrom a forty (40) foot wide right of way for Highland Drive (also known as Boulder County Road No. 49, and formerly known as Old Estes Park Highway),

Said parcel of land being further described as follows:

Beginning at the Southeast corner of that tract of land described in instrument recorded August 31, 1971 on Film 743 as Reception No. 988285;

Thence North $02^{\circ} 56'07''$ East along the East line of said tract of land described in instrument recorded August 31, 1971 on Film 743 as Reception No. 988285, a distance of 174 feet, more or less, to the South line of that tract of land described in instrument recorded December 13, 1920 in Book 460 at Page 543;

Thence North $68^{\circ} 12'37''$ East along the most Southerly line extended Easterly (a line parallel with and 48 feet distant from the North line of the Rough and Ready Ditch) of said tract of land described in instrument recorded December 13, 1920 in Book 460 at Page 543, a distance of 47 feet, more or less, to the West right of way line of Highland Drive (also known as Boulder County Road No. 49, and formerly known as Old Estes Park Highway);

Thence along the West right of way line of Highland Drive, along a curve to the left 87 feet, more or less, said curve having a radius of 154 feet, more or less;

Thence South $08^{\circ} 23'28''$ West along the West right of way line of Highland Drive, a distance of 115 feet, more or less, to the point of beginning, County of Boulder, State of Colorado.

**EXHIBIT B
TO
SPECIAL WARRANTY DEED**

Exceptions to Title

1. Patent Reservations in Patent recorded April 7, 1911 in Book 369 at Page 1.
2. Any portion of said land which may lie within those certain lands as conveyed to The Rough and Ready Irrigating Ditch Company by Maney Peterson, Howarth E. Jones and Mattie Jones in Warranty Deed recorded December 16, 1920 in Book 460 at Page 543.
3. Easement granted to Effie Wysong, Willis Wysong and Aldena Wysong for right of way for driveway purposes along existing road and across a certain bridge over the "Palmerton Ditch" recorded March 25, 1955 in Book 974 at Page 450
4. Matters contained in Certificate of Survey recorded August 17, 1971 as Reception No. 986496.
5. Matters contained in the Map of Longmont Water System recorded May 21 or 26, 1904 in Book B at Page 18
6. Resolution 2011-23 Second Amendment to Lyons Planning Area Comprehensive Development Plan Intergovernmental Agreement recorded June 22, 2011 as Reception No. 3155123 and re-recorded July 14, 2011 as Reception No. 3159093.
7. Special Warranty Deed recorded April 6, 2012 as Reception No. 3215131.
8. Quitclaim Deed recorded April 16, 2012 as Reception No. 3216785.
9. Easement granted to Gwynne L. Owen for sign purposes recorded April 16, 2012 as Reception No. 3216810.
10. Easement granted to County of Boulder for maintaining culvert recorded December 19, 2014 as Reception No. 3419152.
11. Matters disclosed by survey dated August 16, 2016 prepared by Lee Stadele, PLS 26300 for and on behalf of Flagstaff Surveying Inc., Job No. 16620a-2.
12. Matters disclosed by survey dated December 18, 2024 prepared by Don E. Johnson, PLS 34593 for and on behalf of AEI Consultants, Job No. 502746.

Annexation Impact Report

1.



2. NA
3. The Town of Lyons plans for extending or providing municipal services to the parcel to be annexed are forthcoming, as the contiguous properties to the East are the Tebo properties that are already being annexed.
4. The incremental costs should be very minimal, as the property is just across Highland Dr. from the Tebo properties that are being annexed as well.
5. Statement of existing districts:

Property Overview

- Address: 4497 Ute Highway, Longmont, CO 80503
- County: Boulder County
- Current Jurisdiction: Unincorporated Boulder County
- Proposed Annexation: Town of Lyons

School District

- District Name: St. Vrain Valley School District RE-1J
- District Office: 395 South Pratt Parkway, Longmont, CO 80501
- Contact: (303) 776-6200
- Website: www.svvsd.org
- Description: This unified school district serves the Longmont area and surrounding communities, providing education from preschool through 12th grade.

Fire Protection District

- District Name: Lyons Fire Protection District
- Headquarters: 251 Broadway St, Lyons, CO 80540
- Contact Info: (303) 823-6611; info@lyonsfire.org

- Email: info@lyonsfire.org
- Website: <https://www.lyonsfire.org/>
- Description: Lyons Fire Protection District proudly protects over 6200 people living within 66 square miles. This includes 40 square miles in northern Boulder County and 26 square miles in Larimer County. It is a combination fire department serving the town of Lyons, Colorado, and surrounding areas. It takes pride in helping keep our community safe.

Water and Sanitation Services

- Water Provider: Private Well
- Sanitation: Private Septic System
- Description: The property currently relies on a private well for water supply and a septic system for wastewater management.

Library District

- Name: Lyons Regional Library District
- Address: 451 4th Ave, Lyons, CO 80540
- Contact: (303) 823-5165
- Email: info@lyonslibrary.com
- Website: <https://lyons.colibraries.org/>
- Description: Operates a modern public library with robust programming (STEM, financial literacy, storytimes, and more), digital resources, meeting spaces, and free Wi-Fi.

Metropolitan or Special Districts

- Status: No known metropolitan or special districts currently serve this property.

6. This property will be commercial only, so it will not affect the school district.
7. This annexation will have practically no effect on the environment as there are no major changes or modifications planned at this time. Soil erosion should be less because the new owner will be caring for the surrounding land better than previous owners. Fire mitigation is also already being planned/carried out.

Town of Lyons, Colorado
Board of Trustees Meeting
BOT Agenda Cover Sheet
Agenda Item No: VI. 2.
Meeting Date: February 2, 2026

TO: Mayor Rogin and Members of the Board of Trustees

FROM: Lisa Ritchie, Planning and Building Director

DATE: January 29, 2026

ITEM: 2nd Reading and Public Hearing – Ordinance 1197 – an Ordinance of the Town of Lyons, Colorado, Zoning 4497 Ute Highway of the 4497 Ute Highway Annexation to Commercial Eastern Corridor (CEC)

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

I. **REQUEST OR ISSUE:** Staff are requesting that the Board of Trustees consider an ordinance approving the Commercial East Corridor (CEC) zoning for the parcel located at 4497 Ute Highway. **Action on this item is contingent upon action on the associated Annexation.**

Property Information:



The legal description for the parcel follows:

A PARCEL OF LAND, LOCATED IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING A PORTION OF THE WESTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN QUITCLAIM DEED RECORDED AT RECEPTION NO. 2944811, DATED JULY 22, 2008 IN THE RECORDS OF BOULDER COUNTY CLERK IN THE RECORDER TO BEAR NORTH 09°54'42" EAST, A DISTANCE OF 102.44 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING THAT THE NORTHWEST CORNER OF SAID PARCEL OF LAND; THENCE SOUTH 09°54'42" WEST, ALONG THE WEST LINE OF SAID PARCEL OF LAND, A DISTANCE OF 32.45 FEET TO THE SOUTHERLY LINE OF THE 48 FOOT RIGHT-OF-WAY FOR THE ROUGH AND READY DITCH, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 57°36'17" EAST, ALONG SAID SOUTHERLY LINE OF THE ROUGH AND READY DITCH, A DISTANCE OF 127.38 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HIGHLAND DRIVE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE OF HIGHLAND DRIVE THE FOLLOWING THREE (3) COURSES:

1. SOUTH 27°39'44" WEST, A DISTANCE OF 27.06 FEET;
2. THENCE SOUTH 21°02'40" WEST, A DISTANCE OF 40.07 FEET;
3. THENCE SOUTH 03°08'10" WEST, A DISTANCE OF 107.87 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF US HIGHWAY 36 AND COLORADO STATE HIGHWAY 66 AND COLORADO STATE HIGHWAY 7; THENCE NORTH 81°02'31" WEST, ALONG SAID NORTHERLY RIGHT OF WAY OF US HIGHWAY 36, A DISTANCE OF 90.95 FEET TO A POINT ON SAID WESTERLY LINE OF SAID PARCEL OF LAND; THENCE NORTH 09°54'42" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 87.98 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

II. PROJECT HISTORY: The property contains an existing vacant structure, built in 1968. The owner, Phoenix Equity Group, purchased the property in 2025. The property is currently zoned Agricultural in Boulder County, which renders the property non-conforming in terms of proposed use. The property owner is seeking annexation to permit retail use on the lot. At this time, the applicant has no plans to make any changes to the property.

The ordinance accompanies an application to annex the property into the Town of Lyons. Property must be zoned within 90 days of the annexation date.

The parcel is included within the 2012 Lyons Planning Area Comprehensive Development Plan Intergovernmental Agreement with Boulder County, and CEC zoning is consistent with these plans. The property has historically been used commercially, most recently as a retail marijuana store.

III. DISCUSSION:

The Lyons Municipal Code includes the following review criteria for zoning of property within the Town of Lyons:

Sec. 16-15-40. – Official Zoning Map amendment approval criteria.

- (1) To correct a manifest error in an ordinance establishing the zoning for a specific property.
The property is located within unincorporated Boulder County and is not Town zoned.
- (2) To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally.

The property condition will change upon annexation, and requires approval of a zone district within the Town of Lyons.

(3) The land to be rezoned is inconsistent with the policies and goals of the Comprehensive Plan.

The property is currently not annexed within the Town of Lyons and is zoned Agricultural in Boulder County. This is inconsistent with the Town's Comprehensive Plan, which anticipates annexation of this property and commercial zoning fronting the Highway.

(4) The proposed rezoning is necessary to provide land for a municipal-related use that was not anticipated at the time of the adoption of the Comprehensive Plan, and the rezoning will be consistent with the goals and policies of the Comprehensive Plan.

The application is consistent with goals and policies of the Comprehensive Plan, including adaptive reuse of existing structures in the eastern corridor, and commercial uses fronting the highway. The following is included in the Plan for the eastern corridor:

Future Land Use Consideration (East St. Vrain)

Mixed-Use

A mix of residential, commercial, and employment uses is encouraged. Highway frontage should be reserved for commercial uses, with small scale apartments or townhomes located behind. As one of the last greenfield sites remaining in Lyons, affordable or workforce housing should be a priority.

(5) The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area, and the rezoning will be consistent with the goals and policies of the Comprehensive Plan.

The adjacent property to the east (Tebo) was recently annexed, with plans for redevelopment of the site and the adjacent intersection. It is in the public interest to zone the subject property to Commercial East Corridor, which is the zone district most appropriate within the Town zoning scheme for this area.

(6) A rezoning to a Planned Unit Development overlay district is requested to encourage innovative and creative design and to promote a mix of land uses in the development.

Not applicable.

Staff find that the application meets all applicable zoning criteria.

IV. RELATIONSHIP WITH OTHER PLANS: The subject parcel is identified for commercial uses within the [Lyon's Thrive Comprehensive Plan](#) and the [Lyons Primary Planning Area Plan](#).

V. RECOMMENDED ACTION / NEXT STEPS: Staff recommends that the Board of Trustees continue the 2nd Reading and Public Hearing until January 20, 2026.

VI. FISCAL IMPACTS: The approval of this application may increase sales tax revenue to the Town.

VII. LEGAL ISSUES: No legal issues have been identified pertaining to the Town with this zoning.

VIII. CONFLICTS OR ENVIRONMENTAL ISSUES: As noted above, staff are aware that constructing the public improvements to serve the property has challenges related to CDOT right-of-way design requirements and ditch company requirements.

IX. PCDC RECOMMENDATION:

The PCDC held a public hearing on August 11, 2025, to consider the request for zoning. They voted in unanimous approval of Resolution 19-2025, recommending approval of the zoning of the property to Commercial Eastern Corridor.

X. SUMMARY AND ALTERNATIVES: The Board of Trustees may decide not to approve the request for zoning to Commercial Eastern Corridor

Proposed Motion: To be discussed during the meeting. Action on this item will be dependent on action on the associate annexation application.

ATTACHMENTS:

- 1) Draft Ordinance
- 2) Application materials
- 3) Referral comments received to date

**TOWN OF LYONS, COLORADO
ORDINANCE 1197**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO,
ZONING 4497 UTE HIGHWAY OF THE '4497 UTE HIGHWAY ANNEXATION'
TO COMMERCIAL EASTERN CORRIDOR (CEC)**

WHEREAS, pursuant to C.R.S. § 31-23-301, the Town of Lyons (the "Town") possesses the authority to regulate land uses within the Town; and

WHEREAS, a written petition, together with four (4) prints of an annexation map, has been filed with the Town of Lyons ("Town") Clerk requesting annexation of certain property to be known as "4497 Ute Highway"; and

WHEREAS, the Town of Lyons Board of Trustees ("Board of Trustees") desires to approve an annexation petition in accordance with the Municipal Annexation Act, Section 31-12-101 *et seq.*, Colorado Revised Statutes, and Lyons Municipal Code ("LMC") Chapter 15; and

WHEREAS, the Board of Trustees previously approved Resolution 2025-46, finding substantial compliance and initiating annexation proceedings for the Property, as defined therein; and

WHEREAS, the Municipal Annexation Act, Section 31-12-101 *et seq.*, Colorado Revised Statutes and LMC Chapter 15 require that annexed property be zoned; and

WHEREAS, pursuant to LMC 15-1-220, the Town of Lyons Planning and Community Development Commission (PCDC) "shall, by resolution, recommend approval of the petition for annexation with or without modifications and/or conditions, or recommend denial. If the zoning of the property is requested at the time of annexation, the PCDC shall, by resolution, recommend approval with or without modifications and/or conditions or recommend denial of the requested zoning. The PCDC shall refer any such recommendation to the Board of Trustees"; and

WHEREAS, the applicant has the Property, as is more particularly described below and as depicted on **Exhibit A**, be rezoned from County zoning Agricultural to CEC, Commercial East Corridor; and

WHEREAS, the proposed zoning designation of Parcel is consistent with the Lyon's Thrive Comprehensive Plan, Future Land Use Plan, and the 2012 Boulder County Land Use IGA; and

WHEREAS, the PCDC held a public hearing on the proposed zoning of the Property; and

WHEREAS, the PCDC has determined it is in the best interest of the Town to recommend to the Board of Trustees that the Property be zoned as CEC, Commercial East Corridor; and

WHEREAS, the Board of Trustees held a duly noticed public hearing on the proposed zoning of the Property; and

WHEREAS, the Board of Trustees has determined it is in the best interest of the Town to approve a request for the Property to be zoned as CEC, Commercial East Corridor.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO, AS FOLLOWS:

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

Section 2. The Board of Trustees hereby approves the Application for zoning of the 4497 Ute Highway Property as CEC, Commercial East Corridor, which is more particularly described in the real property records for Boulder County as;

A PARCEL OF LAND, LOCATED IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING A PORTION OF THE WESTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN QUITCLAIM DEED RECORDED AT RECEPTION NO. 2944811, DATED JULY 22, 2008 IN THE RECORDS OF BOULDER COUNTY CLERK IN THE RECORDER TO BEAR NORTH 09°54'42" EAST, A DISTANCE OF 102.44 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING THAT THE NORTHWEST CORNER OF SAID PARCEL OF LAND; THENCE SOUTH 09°54'42" WEST, ALONG THE WEST LINE OF SAID PARCEL OF LAND, A DISTANCE OF 32.45 FEET TO THE SOUTHERLY LINE OF THE 48 FOOT RIGHT-OF-WAY FOR THE ROUGH AND READY DITCH, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 57°36'17" EAST, ALONG SAID SOUTHERLY LINE OF THE ROUGH AND READY DITCH, A DISTANCE OF 127.38 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HIGHLAND DRIVE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE OF HIGHLAND DRIVE THE FOLLOWING THREE (3) COURSES:

1. SOUTH 27°39'44" WEST, A DISTANCE OF 27.06 FEET;
2. THENCE SOUTH 21°02'40" WEST, A DISTANCE OF 40.07 FEET;
3. THENCE SOUTH 03°08'10" WEST, A DISTANCE OF 107.87 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF US HIGHWAY 36 AND COLORADO STATE HIGHWAY 66 AND COLORADO STATE HIGHWAY 7; THENCE NORTH 81°02'31" WEST, ALONG SAID NORTHERLY RIGHT OF WAY OF US HIGHWAY 36, A DISTANCE OF 90.95 FEET TO A POINT ON SAID WESTERLY LINE OF SAID PARCEL OF LAND; THENCE NORTH 09°54'42" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 87.98 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

Section 3. Specifically, the Town of Lyons Board of Trustees finds that the Application "rezone[s] an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally" consistent with LMC § 16-15-40(2).

Section 5. The Town Administrator, Town Planner, and other appropriate Town Staff are authorized and instructed to revise the official zoning map for the Town of Lyons so that the zoning designation described in this Ordinance is illustrated in graphic form. Failure to amend the

official zoning map in accordance with this Ordinance shall not, however, have the effect of limiting, preventing or precluding the effect or effective date of this Ordinance.

Section 6. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 7. Repeal. Any and all ordinances, resolutions, or codes, or parts thereof, which are in conflict or inconsistent with this ordinance are repealed to the extent of such conflict or inconsistency exists. The repeal of any such ordinance, resolution, or code or part thereof, shall not revive any other section or part of any ordinance, resolution, or code provision. This repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to this ordinance taking effect.

Section 8. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS _____ DAY OF _____, 2025.

INTRODUCED, AMENDED, PASSED, ADOPTED, AND ORDERED PUBLISHED ON SECOND READING THIS _____ DAY OF _____ 2026.

TOWN OF LYONS, COLORADO

By: _____
Hollie Rogin, Mayor

ATTEST:

Dolores M. Vasquez, CMC Town Clerk

TOWN OF LYONS, COLORADO

**PLANNING AND COMMUNITY DEVELOPMENT COMMISSION
RESOLUTION 2025-19-PCDC**

**A RESOLUTION OF THE TOWN OF LYONS PLANNING AND COMMUNITY
DEVELOPMENT COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE
APPROVING COMMERCIAL EAST CORRIDOR (CEC) ZONING FOR THE
PROPERTY LOCATED AT 4497 UTE HIGHWAY**

WHEREAS, pursuant to C.R.S. § 31-23-301, the Town of Lyons (the “Town”) possesses the authority to regulate land uses within the Town; and

WHEREAS, the Board of Trustees previously approved Resolution 2025-46, finding substantial compliance and initiating annexation proceedings for the Property, as defined therein and described below; and

WHEREAS, pursuant to LMC 15-1-220, the Town of Lyons Planning and Community Development Commission (“PCDC”) “shall, by resolution, recommend approval of the petition for annexation with or without modifications and/or conditions, or recommend denial. If the zoning of the property is requested at the time of annexation, the PCDC shall, by resolution, recommend approval with or without modifications and/or conditions or recommend denial of the requested zoning. The PCDC shall refer any such recommendation to the Board of Trustees”; and

WHEREAS, the applicant has requested the Property, as is more particularly described below, be rezoned from County zoning Agricultural to CEC, Commercial East Corridor; and

WHEREAS, the proposed zoning designation of Parcel is consistent with the Lyon’s Thrive Comprehensive Plan, Future Land Use Plan, and the 2012 Boulder County Land Use IGA; and

WHEREAS, the PCDC held a public hearing on August 11, 2025 considering the request for the proposed zoning of the Property; and

WHEREAS, the PCDC has determined it is in the best interest of the Town to recommend to the Board of Trustees that the Property be zoned as CEC, Commercial East Corridor; and

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING AND COMMUNITY
DEVELOPMENT COMMISSION:**

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

Section 2. The property is more particularly described as:

**THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF BOULDER,
STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:**

A PARCEL OF LAND, LOCATED IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING A PORTION OF THE WESTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN QUITCLAIM DEED RECORDED AT RECEPTION NO. 2944811, DATED JULY 22, 2008 IN THE RECORDS OF BOULDER COUNTY CLERK IN THE RECORDER TO BEAR NORTH 09°54'42" EAST, A DISTANCE OF 102.44 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING THAT THE NORTHWEST CORNER OF SAID PARCEL OF LAND; THENCE SOUTH 09°54'42" WEST, ALONG THE WEST LINE OF SAID PARCEL OF LAND, A DISTANCE OF 32.45 FEET TO THE SOUTHERLY LINE OF THE 48 FOOT RIGHT-OF-WAY FOR THE ROUGH AND READY DITCH, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 57°36'17" EAST, ALONG SAID SOUTHERLY LINE OF THE ROUGH AND READY DITCH, A DISTANCE OF 127.38 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HIGHLAND DRIVE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE OF HIGHLAND DRIVE THE FOLLOWING THREE (3) COURSES:

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3. THENCE SOUTH 03°08'10" WEST, A DISTANCE OF 107.87 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF US HIGHWAY 36 AND COLORADO STATE HIGHWAY 66 AND COLORADO STATE HIGHWAY 7; THENCE NORTH 81°02'31" WEST, ALONG SAID NORTHERLY RIGHT OF WAY OF US HIGHWAY 36, A DISTANCE OF 90.95 FEET TO A POINT ON SAID WESTERLY LINE OF SAID PARCEL OF LAND; THENCE NORTH 09°54'42" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 87.98 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

Section 3. The PCDC hereby recommends approval of the ordinance.

Section 4. This resolution shall take effect immediately upon adoption.

ADOPTED THIS 11 DAY OF AUGUST, 2025.

**PLANNING AND COMMUNITY
DEVELOPMENT COMMISSION FOR THE
TOWN OF LYONS, COLORADO**

By: Amy Schwartz
Amy Schwartz, Chair

ATTEST:

Maria Marquez-Rubio

Maria Marquez-Rubio
Deputy Town Clerk

Reso 19-2025 4497 Ute Highway Zoning

Final Audit Report

2025-08-13

Created:	2025-08-12
By:	Maria Marquez-Rubio (mmarquezrubio@townoflyons.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAN7pfnGCeTvqeXAxBynZANY_6cYXiheZa

"Reso 19-2025 4497 Ute Highway Zoning" History

-  Document created by Maria Marquez-Rubio (mmarquezrubio@townoflyons.com)
2025-08-12 - 2:41:40 PM GMT
-  Document emailed to aschwartz@townoflyons.com for signature
2025-08-12 - 2:41:43 PM GMT
-  Document viewed by aschwartz@townoflyons.com
2025-08-13 - 7:21:59 PM GMT
-  Signer aschwartz@townoflyons.com entered name at signing as Amy Schwartz
2025-08-13 - 7:22:14 PM GMT
-  Document e-signed by Amy Schwartz (aschwartz@townoflyons.com)
Signature Date: 2025-08-13 - 7:22:16 PM GMT - Time Source: server
-  Document emailed to Maria Marquez-Rubio (mmarquezrubio@townoflyons.com) for signature
2025-08-13 - 7:22:18 PM GMT
-  Document e-signed by Maria Marquez-Rubio (mmarquezrubio@townoflyons.com)
Signature Date: 2025-08-13 - 7:34:05 PM GMT - Time Source: server
-  Agreement completed.
2025-08-13 - 7:34:05 PM GMT



Adobe Acrobat Sign

Letter of Intent and Statement of Community Need

Phoenix Equity Group Inc
phoenixequity24@gmail.com
435-219-5916

April 14, 2025

Board of Trustees
Town of Lyons
432 5th Avenue
Lyons, CO 80540

Subject: Letter of Intent and Statement of Community Need for Annexation of 4497 Ute Highway

Dear Members of the Board of Trustees,

On behalf of Phoenix Equity Group, I respectfully submit this Letter of Intent and Statement of Community Need to formally request annexation of the property located at 4497 Ute Highway into the Town of Lyons. This letter introduces our organization, outlines the annexation request, explains the public benefit of this annexation, and details the requested zoning and proposed use of the property.

Introduction of the Applicant

Phoenix Equity Group is a corporation controlled by the Merkley family, longtime residents of the Weld/Boulder County area since 1989. I, David Merkley, currently reside in Pinewood Springs with my children, who attend Lyons Middle and Elementary Schools. Our family is deeply connected to the Lyons community, both personally and professionally.

Annexation Request

We are seeking annexation of 4497 Ute Highway to transition the property's jurisdiction from Boulder County, where it is currently zoned Agricultural with a non-conforming use designation for a marijuana dispensary. We are seeking a zoning designation of Commercial Eastern Corridor, which is appropriate for the location and our intended use. Annexation into the Town of Lyons will enable us to align with community goals and zoning regulations, while ensuring long-term use of the property is consistent with town planning.

Statement of Community Benefit

Upon annexation, Phoenix Equity Group will lease the building to **Western Stars Art Gallery**, a well-established and valued cultural institution that has served Lyons for more than 12 years. Western Stars Gallery features artwork and artisan goods from over 250 regional artists, with a strong emphasis on handmade, sustainable, and ethically sourced items.

The gallery's relocation to this site will:

- Enrich Lyons' cultural and artistic identity by providing expanded space for regional artists.
- Support the local economy through increased foot traffic and tourism.
- Provide a community gathering space that reflects Lyons' values of creativity, sustainability, and connection.
- Align with the **Lyons Comprehensive Plan** and **Lyons Thrive** strategies, which emphasize arts, small business support, and culturally vibrant spaces within walkable corridors.

Requested Zoning

We respectfully request that the property be zoned **Commercial Eastern Corridor (CEC)**. This zoning is consistent with the property's location and the type of use proposed. The CEC designation supports mixed commercial use and encourages economic development that is aligned with the town's vision for the Eastern Corridor, as outlined in the **2013 Commercial Eastern Corridor Zoning District Ordinance**.

Development Plans

No significant structural changes are planned for the property. The existing building will be utilized to house Western Stars Gallery, with any necessary modifications limited to interior adjustments and signage to suit the new occupant's operational needs. This approach ensures minimal environmental impact and preserves the existing character of the property.

We believe that this annexation and subsequent use of the property will provide meaningful benefits to the Town of Lyons, aligning with both community values and strategic planning objectives.

Thank you for considering our request. We look forward to the opportunity to contribute positively to the Lyons community.

Sincerely,

A handwritten signature in black ink that reads "David Merkley". The signature is fluid and cursive, with "David" on the top line and "Merkley" on the bottom line.

David Merkley
Phoenix Equity Group

SIGNATURE WITNESSING

State of Utah)

§

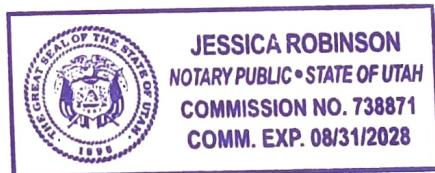
County of Webster)

On this 17 day of June, in the year 2025, before me, Jessica Robinson,
Date Month Year Name of Notary Public

personally appeared David Merkley, proved to me through satisfactory evidence of
Name of Document Signer

identification, which was US Passport to be the person whose name is signed on the
Form of Identification

preceding or attached document in my presence.



Jessica Robinson
Notary Signature

(seal)



VICINITY MAP N.T.S.

PROPERTY DESCRIPTION: (PROVIDED BY FIRST NATIONAL TITLE INSURANCE COMPANY AT COMMITMENT NO. 171-F04411-25)

A PARCEL OF LAND, SITUATED IN SECTION 5, TOWNSHIP 3 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL B1:
THAT PART OF THE SW 1/4 NE 1/4 OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT AT THE INTERSECTION OF CENTERLINE OF LONGMONT-LYONS HIGHWAY NO. 66 AND THE BOULDER-LYONS HIGHWAY 7;
THENCE RUNNING NORTH 02°10' EAST 331 FEET TO THE SOUTHERLY BANK OF THE ROUGH AND READY DITCH;
THENCE SOUTH 49°52' WEST ALONG THE SOUTHERLY BANK OF SAID DITCH A DISTANCE OF 100.3 FEET;
THENCE SOUTH 08°27' WEST 243.4 FEET TO THE CENTERLINE OF SAID LONGMONT-LYONS HIGHWAY NO. 66;
THENCE SOUTH 72°57' EAST ALONG THE CENTERLINE OF SAID HIGHWAY 66 A DISTANCE OF 108.2 FEET TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION WHICH IS INCLUDED IN A STRIP OF LAND 48 FEET IN WIDTH RUNNING FROM THE LYONS-LONGMONT COUNTY ROAD TO THE EAST LINE OF THE SW 1/4 NE 1/4 OF SECTION 20, THE NORTH LINE OF WHICH STRIP OF LAND IS THE NORTH LINE OF THE ROUGH AND READY DITCH, AS CONVEYED TO THE ROUGH AND READY IRRIGATING DITCH CO., BY DEED RECORDED DECEMBER 16, 1920, IN BOOK 450 PAGE 543;

EXCEPT THAT PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, IN INSTRUMENT RECORDED NOVEMBER 24, 1967 AS RECEPION NO. 864444, AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST PROPERTY LINE FROM WHICH THE SOUTHEAST CORNER OF THE NE 1/4 OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST, BEARS SOUTH 64°27'30" EAST, A DISTANCE OF 1558.3 FEET;

THENCE SOUTH 80°53'30" EAST, A DISTANCE OF 106.1 FEET TO THE EAST PROPERTY LINE;

THENCE ALONG THE EAST PROPERTY LINE, SOUTH 08°20'30" WEST, A DISTANCE OF 138.9 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF THE C.B. & Q.R.R. (MAY 1867);

THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF THE C.B. & Q.R.R. (MAY 1867), ALONG THE NORTHERLY RIGHT OF WAY LINE OF THE C.B. & Q.R.R. (MAY 1867), ALONG THE ARC OF A CIRCLE TO THE RIGHT, HAVING A RADIUS OF 1382.7 FEET, A DISTANCE OF 105.5 FEET (THE CHORD OF THIS BEARS NORTH 74°32'30" EAST, A DISTANCE OF 105.5);

THENCE ALONG THE WEST PROPERTY LINE, NORTH 07°41'30" EAST, A DISTANCE OF 127.3 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO

PARCEL B2:
A PARCEL OF LAND LOCATED WITHIN THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., SAID PARCEL BEING BOUNDED AS FOLLOWS:

BY THE EAST LINE OF A TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED AUGUST 31, 1971 ON FILM 743 AS RECEPION NO. 988285 IN THE OFFICE OF THE BOULDER COUNTY CLERK AND RECORDER,

BY THE MOST SOUTHERLY LINE EXTENDED EASTERLY (A LINE PARALLEL WITH AND 48 FEET DISTANT FROM THE NORTH LINE OF THE ROUGH AND READY DITCH) OF A TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED DECEMBER 13, 1920 IN BOOK 460 AT PAGE 543 IN THE OFFICE OF THE BOULDER COUNTY CLERK AND RECORDER,

BY THE WEST LINE OF A TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED APRIL 19, 1994 ON FILM 1965 AS RECEPION NO. 1417948 IN THE OFFICE OF THE BOULDER COUNTY CLERK AND RECORDER,

BY THE WEST LINE OF A TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED MAY 20, 1994 ON FILM 1977 AS RECEPION NO. 1423342 IN THE OFFICE OF BOULDER COUNTY CLERK AND RECORDER,

BY THE NORTH LINE OF A PARCEL OF LAND DESCRIBED IN INSTRUMENT RECORDED JANUARY 1, 1968 AS RECEPION NO. 869134 IN THE OFFICE OF THE BOULDER COUNTY CLERK AND RECORDER,

EXCEPTING THEREFROM A FORTY (40) FOOT WIDE RIGHT OF WAY FOR HIGHLAND DRIVE (ALSO KNOWN AS BOULDER COUNTY ROAD NO. 49 AND FORMERLY KNOWN AS OLD ESTES PARK HIGHWAY),

SAID PARCEL OF LAND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED AUGUST 31, 1971 ON FILM 743 AS RECEPION NO. 988285;

THENCE NORTH 02°56'07" EAST ALONG THE EAST LINE OF SAID TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED AUGUST 31, 1971 ON FILM 743 AS RECEPION NO. 988285, A DISTANCE OF 174 FEET, MORE OR LESS, TO THE SOUTH LINE OF THAT TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED DECEMBER 13, 1920 IN BOOK 460 AT PAGE 543;

THENCE NORTH 02°12'30" EAST ALONG THE MOST NORTHERLY LINE EXTENDED EASTERLY (A LINE PARALLEL WITH AND 48 FEET DISTANT FROM THE NORTHERLY LINE OF THE ROUGH AND READY DITCH) OF A TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED DECEMBER 13, 1920 IN BOOK 460 AT PAGE 543, A DISTANCE OF 47 FEET, MORE OR LESS, TO THE WEST RIGHT OF LINE OF HIGHLAND DRIVE (ALSO KNOWN AS BOULDER COUNTY ROAD NO. 49, AND FORMERLY KNOWN AS OLD ESTES PARK HIGHWAY);

THENCE ALONG THE WEST RIGHT OF WAY LINE OF HIGHLAND DRIVE, ALONG A CURVE TO THE LEFT 87 FEET, MORE OR LESS, SAID CURVE HAVING A RADIUS OF 154 FEET, MORE OR LESS;

THENCE SOUTH 08°23'28" WEST ALONG THE WEST RIGHT OF WAY LINE OF HIGHLAND DRIVE, A DISTANCE OF 115 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

CLERK AND RECORDER'S CERTIFICATE:

STATE OF COLORADO)
COUNTY OF)
SS.

I HEREBY CERTIFY THAT THIS ANNEXATION MAP WAS FILED IN MY OFFICE AT _____ O'CLOCK ON THE
____ DAY OF _____, 20____ AND WAS RECORDED AT RECEPION NO. _____

SIGNATURE
BOULDER COUNTY CLERK AND RECORDER

ANNEXATION TABLE:

TOTAL BOUNDARY: 481 L.F.
1/6 OF TOTAL BOUNDARY: 80.17 L.F.
CONTIGUOUS BOUNDARY: 175.01 L.F.

ANNEXATION MAP

TO THE TOWN OF LYONS

A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, COLORADO

AREA = 10,639 SQ. FT. OR 0.24 ACRES, MORE OR LESS

SHEET 1 OF 1

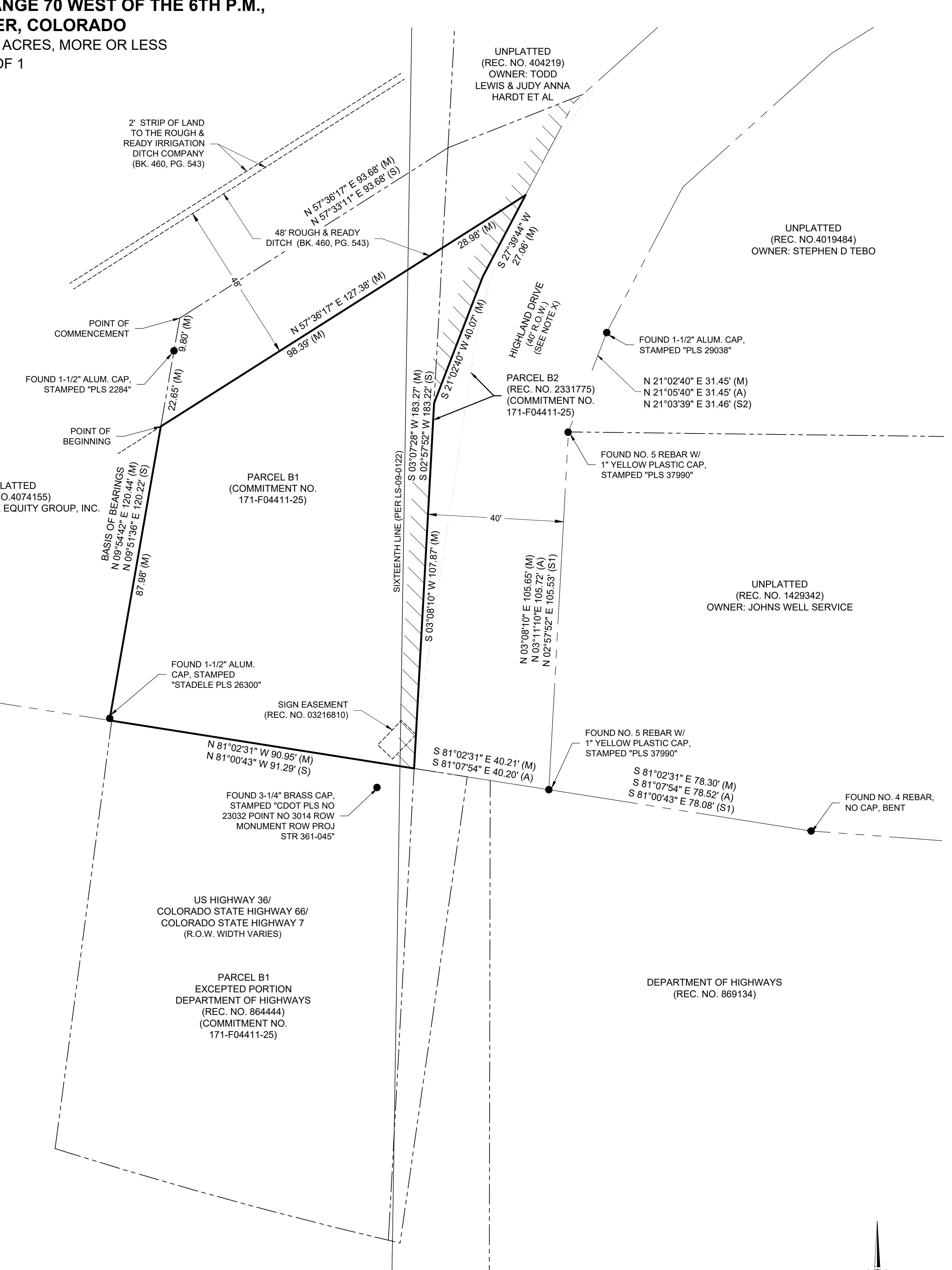
BOUNDARY CLOSURE REPORT:

COURSE: N81°02'31" W LENGTH: 90.95'
COURSE: N09°54'42" E LENGTH: 87.98'
COURSE: N57°36'17" E LENGTH: 127.38'
COURSE: S27°39'44" W LENGTH: 27.06'
COURSE: S21°02'40" W LENGTH: 40.07'
COURSE: S3°08'10" W LENGTH: 107.87'

AREA: 10,639 SQ. FT.
ERROR CLOSURE: 0.0001
COURSE: S08°02'40" W
ERROR NORTH: -0.00007
ERROR EAST: -0.00001
PRECISION: 1.4813216.0000

LEGEND

- ANNEXATION BOUNDARY
- EXISTING CITY LIMITS
- ADJOINER LINE
- EASEMENT LINE
- RIGHT OF WAY LINE
- SECTION LINE
- FOUND MONUMENT AS DESCRIBED
- AS MEASURED
- AS PER LAND SURVEY PLAT AT LS-09-0122, SEPT. 16, 2009
- AS PER LAND SURVEY PLAT AT LS-09-0124, SEPT. 16, 2009
- AS PER LAND SURVEY PLAT AT LS-09-0121, SEPT. 16, 2009
- AS PER ANNEXATION MAP FLATIRONS, INC. AT JOB NO. 22-77-758, FEB. 8, 2024



TOPOGRAPHIC
LOYALTY INNOVATION LEGACY
520 STACY COURT, UNIT B, LAFAYETTE, CO 80026
TELEPHONE: (303) 669-0359 | FAX: (303) 669-6320
WWW.TOBOPGRAPHIC.COM

ANNEXATION MAP

1 OF 1

FILE:
4497_Ute_Hwy_Annexation
DRAFT: EVB
CHECK: BV, XX
DATE: 6/13/2025

REVISION
NO. DESCRIPTION DATE

COVER &
ANNEXATION MAP

Consistency with Lyons 2023 Thrive Comprehensive Plan

The proposed annexation of 4497 Ute Highway, to be occupied by Western Stars Art Gallery, is strongly aligned with the vision, goals, and strategies outlined in the Town of Lyons' 2023 Lyons Thrive Comprehensive Plan. This initiative supports Lyons' commitment to fostering a vibrant, creative, and economically resilient community, and directly contributes to the following areas of focus in the plan:

1. Arts, Culture, and Community Identity

Western Stars Art Gallery, a well-established local arts institution, aligns directly with Lyons' goal to "celebrate and promote the arts and creative expression as key components of Lyons' identity." As noted in the Comprehensive Plan, Lyons seeks to expand its role as a creative hub. By annexing this property and bringing Western Stars into town boundaries, Lyons reinforces its commitment to supporting local artists, enhancing cultural assets, and encouraging arts-based community engagement.

2. Economic Development and Tourism

The reestablishment of Western Stars Art Gallery in Lyons contributes to the town's economic development strategy by promoting small business growth and tourism. As a longstanding local business with strong community roots, Western Stars attracts both residents and visitors, helping to strengthen Lyons' local economy and support a diverse business environment. This is consistent with the plan's strategy to "support locally-owned businesses and creative enterprises" and to "enhance the town's tourism economy through arts and cultural offerings."

3. Land Use and Growth Management

Annexing this adjacent property provides an opportunity for intentional and sustainable growth consistent with the town's land use vision. The proposed Commercial Eastern Corridor (CEC) zoning is compatible with the town's desire to concentrate commercial activity in designated corridors and maintain Lyons' small-town character while encouraging economic vitality.

4. Community Services and Infrastructure

Bringing the property into town limits allows for better coordination of municipal services and ensures that the site is developed or maintained in accordance with Lyons' standards for infrastructure, design, and community integration. This aligns with the plan's goal to "provide high-quality infrastructure and services that support current and future needs."

5. Gateway and Visual Character

The property at 4497 Ute Highway is located along a key entry corridor into Lyons. Occupation by Western Stars Art Gallery supports the town's strategy to "enhance entryways and corridors

to reflect the town's character and appeal," offering an aesthetically engaging and welcoming presence for those arriving from the east.

Conclusion

The annexation and future use of 4497 Ute Highway by Western Stars Art Gallery is a clear example of thoughtful growth that honors Lyons' values and strategic priorities. It supports local culture, enhances economic resilience, and strengthens the town's identity as a creative and inclusive community—hallmarks of the Lyons Thrive Comprehensive Plan.

**Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: VII.1.
Meeting Date: February 2, 2026**

TO: Mayor Rogin and Members of the Board of Trustees

FROM: Victoria Simonsen, Town Administrator

DATE: January 29, 2026

ITEM: Resolution 2026-07, a Resolution of the Town of Lyons, Colorado, Approving a Policy Regarding Grant Submittals and Letter of Support Guidelines

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

- I. **REQUEST OR ISSUE:** Request support of Resolution 2026-07, approving a policy regarding grant submittals and letter of support guidelines.
- II. **RECOMMENDED ACTION / NEXT STEP:** Approve Resolution 2026-07 as amended.
- III. **FISCAL IMPACTS:** There is no fiscal impact for adopting the policy. Fiscal impacts would be dependent on individual grant applications and awards.
- IV. **BACKGROUND INFORMATION:** At the January 20, 2026, Board of Trustees meeting, the policy was discussed, and several amendments were proposed. The resolution presented in this packet includes those amendments:
 - a. Letters of support signed by the mayor when possible
 - b. The BOT will be notified when letters of support have been submitted
 - c. Added that the staff will not support an issue that the BOT does not support
 - d. Included Boards and Commissions within the guidelines
- V. **LEGAL ISSUES:** None. Attorney Dittman has reviewed the resolution.
- VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** None.
- VII. **SUMMARY AND ALTERNATIVES:** Adopt the resolution as presented or suggest further amendments to the policy.
- VIII. **PROPOSED MOTION:**

“I move to approve Resolution 2026-07, a Resolution of the Town of Lyons, Colorado, Approving a Policy Regarding Grant Submittals and Letter of Support Guidelines.”

**TOWN OF LYONS, COLORADO
RESOLUTION 2025-07**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO
APPROVING A POLICY REGARDING GRANT APPLICATIONS
AND LETTER OF SUPPORT GUIDELINES**

WHEREAS, The Board of Trustees of the Town of Lyons ("the Board") is authorized to adopt policies and regulations concerning the conduct of Town officers and employees; and

WHEREAS, the Board has authority over policy and finances; and

WHEREAS, the Town Administrator has authority to manage programs and staffing; and

WHEREAS, the Board has requested a policy on guidelines for submitting grant applications, accepting grants, and letters of support; and

WHEREAS, the Board desires to adopt a policy substantially in the form of the attached **Exhibit A**.

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

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

Section 2. The Town hereby adopts the policy titled Grant Applications and Letters of Support Policy as shown in **Exhibit A**.

Section 3. This resolution shall take effect upon the passing and publication of Resolution 2026-07.

ADOPTED THIS 2nd DAY OF FEBRUARY 2026.

TOWN OF LYONS, COLORADO

Hollie Rogin, Mayor

ATTEST:

Dolores Vasquez, CMC, Town Clerk

EXHIBIT A



Town of Lyons Grant Applications and Letters of Support Policy

Purpose

To establish guidelines for the submission of grant applications and letters of support in a manner that balances operational efficiency with appropriate Board oversight.

This policy protects the Board's authority over policy and finances while allowing staff and commissions to manage programs, preventing missed grant opportunities due to meeting schedules and creating clarity, consistency, and transparency for all parties.

Town Staff, and Board or Commission Authority

Staff and Boards or Commissions (by majority vote) may submit grant applications and letters of support without prior Board approval when **all of** the following conditions are met:

1. The grant or letter aligns with the Town's adopted plans, policies, and strategic priorities;
2. The Board of Trustees has not indicated that it does not support the program;
3. No matching funds are required, **or** required matching funds are available in the currently adopted budget;
4. The grant does not create a long-term financial, legal, or operational obligation for the Town;
5. Acceptance of the grant does not require additional staffing, creation of new programs, or expansion of services;
6. The grant does not obligate the Town beyond the current fiscal year;
7. A letter of support includes no commitment of unbudgeted Town funds, property, or services.
8. The Town Administrator (or Mayor) has signed off on the grant prior to submission.

Board Approval Required

Board of Trustees approval is required prior to submission when **any** of the following apply:

1. Matching funds over \$10,000 are required;
2. The grant creates a multi-year financial obligation or ongoing operational cost;
3. The grant requires acceptance of capital assets or infrastructure;
4. The grant requires significant ongoing maintenance obligations;
5. The grant requires execution of an intergovernmental agreement or contract;
6. The grant represents a new or materially expanded program;
7. A letter of support includes financial, staffing, or policy commitment.

Notification and Reporting

- Staff and Chairs shall notify the Board of Trustees of grant applications submitted under this authority through regular Town Administrator reports.
- Grant awards received under staff authority shall be reported to the Board through regular Town Administrator reports.
- When a grant award requires Board approval for acceptance, staff will provide the information before accepting.
- Emergency and/or time-sensitive grants or letters of support can have retroactive Board notification if deadlines prevent advance approval.

Letters of Support vs. Letters of Commitment

Letters of Support (Staff or Mayor Authorized)

1. General expressions of support
2. No unbudgeted financial, legal, or policy commitment
3. Signed by the mayor when possible
4. The Board of Trustees will be notified at the earliest opportunity
5. The following explicit disclaimer language will be included:
“This letter signifies general support for the project and does not constitute a financial, legal, or contractual commitment by the Town of Lyons.”

Letters of Commitment (Board Approval Required)

1. Financial participation not previously authorized
2. Staffing or operational obligations
3. Binding partnership agreements

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT (the “Agreement”) is entered into this 2nd day of February, 2026, by and among the Board of County Commissioners on behalf of the County of Boulder, State of Colorado, a body corporate and politic, for the benefit of the Boulder County Clerk and Recorder (the “Clerk”) and the Town of Lyons (the “Town”) for the benefit of the Lyons Town Clerk (the “Property Representative”). The Clerk and the Property Representative may be collectively referred to as the “Parties.”

WHEREAS, the Parties entered into an Intergovernmental Agreement (“IGA”) on September 4, 2018, which allowed the Clerk to install a mail ballot drop-off box and video security surveillance recording system (collectively referred to as the “Improvements”) at the Lyons Town Hall at 432 5th Avenue, Lyons, Colorado 80540 (the “Property”), which is owned by the Town; and

WHEREAS, the Clerk has funded the entire cost of obtaining, installing, and maintaining the Improvement since that time, and the Clerk controls the Improvements; and

WHEREAS, the Town is conducting an election on April 7, 2026 (the “Election”) and wishes to use the mail ballot drop-off box and video security surveillance recording system during the Election to provide a convenient location for Town voters to drop off their completed mail ballots (the “Purpose”); and

WHEREAS, the Clerk wishes to authorize use of the Improvements to the Property Representative during the Election; and

WHEREAS, intergovernmental agreements are authorized and encouraged by Article XIV, Section 18 of the Colorado Constitution and COLO. REV. STAT. § 29-1-203.

NOW, THEREFORE, in consideration of the recitals, promises, covenants and understandings set forth herein, the Parties agree as follows:

1. Term of Agreement. The term of this agreement is **March 16, 2026, to April 9, 2026** (the “Term”).
2. Existing IGA. This Agreement stands apart from the September 4, 2018, Intergovernmental Agreement between the Clerk and the Town. It does not replace or amend the IGA.
3. Use of the Improvements.
 - a. Mail Ballot Drop-off Box. The Clerk grants a limited license to the Property Representative to use the mail ballot drop-off box during the Term for the Purpose.

- b. Keys to the Mail Ballot Drop-Off Box. The Clerk will provide the Property Representative with all keys to the mail ballot drop-off box by **March 16, 2026**. Only the Property Representative or her designees will have the key(s) to the mail ballot drop-off box. The Property Representative is responsible for securely maintaining the mail ballot drop-off box during the Term, retrieving mail ballots during the Term, and for ensuring the box's closure on Election Day. The Property Representative will return the keys to the Clerk by **April 9, 2026**.
- c. Video Security Surveillance Recording System. The Clerk will enable the video security surveillance recording system from **March 16, 2026, to April 7, 2026**. The Clerk will export the video surveillance footage ("Footage") to a storage device purchased by the Property Representative and provided to the Clerk ("Storage"). The Property Representative will comply with all applicable laws and regulations governing video surveillance of mail ballot drop-off boxes. If the Clerk becomes aware of a problem with the video security surveillance during the Term, the Clerk will notify the Property Representative, and the Parties will cooperate in good faith to correct the problem.
- d. Retention of Video Data. After the Clerk exports the Footage to Storage, the Property Representative will be responsible for retaining the Footage. The Clerk has no obligation to retain Footage after export to Storage.

4. Town Conducting the Election. The Town is conducting the Election and is responsible for complying with all election-related laws and regulations.

5. Signage. The Property Representative will temporarily cover the Boulder County decal on the mail ballot drop-off box to identify the box as controlled by the Town during the Term.

6. Damage to Property. The Property Representative will pay the Clerk for repair and/or replacement of the Improvements if damaged by anyone other than the Clerk during the Term. Notwithstanding any provision to the contrary, nothing in this Agreement will be construed in any way to be a waiver by any Party to the protection that is granted under the Colorado Governmental Immunity Act, C.R.S. 24-10-101, et. seq.

7. Termination. Upon termination of this Agreement, the Property Representative will remove any Town signage no later than **April 9, 2026**.

8. Notices. Any notices to be provided under this Agreement must be given in writing and either delivered by hand, by email, or deposited in the United States mail with sufficient postage to the addresses set forth below:

To the Clerk:

Boulder County Clerk and Recorder
Division of Elections
1750 33rd Street
Boulder, CO 80301
vote@bouldercounty.gov

To the Property Representative:

Town of Lyons
Town Clerk's Office
432 5th Avenue
Lyons, CO 80540
dvasquez@townoflyons.com

9. Assignment. No party may assign any of the obligations, benefits, or provisions of this Agreement in whole or in part without the expressed written authorization of the other party, which consent may not be unreasonably withheld. Any purported assignment, transfer, pledge or encumbrance made without such prior written authorization will be void.

10. Counterparts. This Agreement may be executed in counterparts, each of which will be deemed an original, and all of which will constitute one and the same agreement.

11. Governing Law. The terms, covenants and provisions herein will be governed by and construed under the applicable laws of the State of Colorado. For the resolution of any dispute arising hereunder, venue will be in the courts of Boulder County, State of Colorado.

12. Headings. All section headings are for convenience or reference only and are not intended to define or limit the scope of any provision of this Agreement.

13. Entire Agreement. This Agreement represents the entire and integrated agreement between the Clerk and the Property Representative with respect to this matter and supersedes all prior negotiations, representations, or agreements, either written or verbal. Any amendments to this Agreement must be in writing and be signed by both parties.

IN WITNESS WHEREOF, the Parties have signed this Agreement.

COUNTY OF BOULDER, STATE OF COLORADO

By: _____
Molly Fitzpatrick
Clerk and Recorder, Boulder County

TOWN OF LYONS, COLORADO

By: Hollie Rogin
Mayor, Town of Lyons

Attest: _____
Dolores Vasquez
Town Clerk, Town of Lyons

**Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: VII.2
Meeting Date: February 2, 2026**

TO: Mayor Rogin and Members of the Board of Trustees

FROM: Dolores M. Vasquez, Town Clerk

DATE: January 29, 2026

ITEM: Resolution 2026-08, a Resolution of the Town of Lyons Approving an Intergovernmental Agreement between the Town of Lyons and the Clerk and Recorder for Boulder County for the Use of a Ballot Box by the Town for the April 2026 Election

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

- I. **REQUEST OR ISSUE:** Request to approve a Resolution approving an Intergovernmental Agreement between the Town of Lyons and the Clerk and Recorder for Boulder County for the Use of a Ballot Box by the Town for the April 2026 Election
- II. **RECOMMENDED ACTION / NEXT STEP:** Approve Resolution 2026-08
- III. **FISCAL IMPACTS:** The Town is responsible for changing the locks twice with a minimal cost that will be covered under the 2026 election budget in the General Fund. The election budget for 2026 is \$9,315.00.
- IV. **BACKGROUND INFORMATION:** The Town of Lyons entered into an Intergovernmental Agreement with the Boulder County Clerk and Recorder's Office on September 4, 2018, which allowed the County Clerk to install a mail ballot drop-off box and video security system surveillance recording system in front of Town Hall. The Town of Lyons is holding its Regular Municipal Election on April 7, 2026, and this IGA will allow the Town the use of the secured ballot drop box and access to the video surveillance recordings.

The Town has utilized the ballot box in previous elections, and this provides Town voters with an additional, secure site. We will coordinate with the County to change out the locks and secure access to the video monitoring recordings.

- IV. **LEGAL ISSUES:**

None. Attorney Dittman has reviewed the agreement.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: None.

VII. SUMMARY AND ALTERNATIVES: Do not use the county ballot box. Town staff is recommending approval of the resolution.

VIII. PROPOSED MOTION:

“I move to approve Resolution 2026-08, a Resolution of the Town of Lyons, Colorado Approving an Intergovernmental Agreement between the Town of Lyons and the Clerk and Recorder for Boulder County for the Use of a Ballot Box by the Town for the April 2026 Election.”

**TOWN OF LYONS, COLORADO
RESOLUTION 2026-08**

**A RESOLUTION OF THE TOWN OF LYONS APPROVING AN
INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF LYONS AND
THE CLERK AND RECORDER FOR BOULDER COUNTY FOR THE USE OF A
BALLOT BOX BY THE TOWN FOR THE APRIL 2026 ELECTION**

WHEREAS, the Boulder County Clerk (the "Clerk") conducts elections in Boulder County and provides election services to Boulder County voters; and

WHEREAS, to better serve its citizens, the Clerk desires to install stand-alone mail ballot drop-off boxes throughout Boulder County for receipt of mail ballots; and

WHEREAS, pursuant to Resolution 2018-76, the Clerk and the Town of Lyons (the "Town") agreed to install a mail ballot drop-off box and video security surveillance recording system at the Lyons Town Hall at 432 5th Avenue, Lyons, CO 80540, which is owned by the Town; and

WHEREAS, the Town is conducting a Municipal Election in April 2026 (the "Election") and wishes to use the mail ballot drop-off box during the Election to provide a convenient location for Town voters to drop off their completed mail ballots; and

WHEREAS, the Clerk has agreed to permit the use of the ballot box for the Election; and

WHEREAS, intergovernmental agreements are authorized and encouraged by Article XIV, Section 18 of the Colorado Constitution and COLO. REV. STAT. § 29-1-203; and

WHEREAS, the Town Board of Trustees desires to approve an Intergovernmental Agreement ("IGA") between the Town and the Clerk to permit the Town to use the ballot box for the Election.

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

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

Section 2. The Town Board of Trustees hereby:

- (a) approves the Intergovernmental Agreement Between the Town of Lyons and the Clerk and Recorder for Boulder County ("IGA") in substantially the form attached hereto;
- (b) authorizes the Town Administrator and the Town Attorney, in consultation with the Mayor, to make such changes as may be necessary to correct any non-material errors or language in the Intergovernmental Agreement that does not increase the obligations of the Town; and

(c) authorizes the Mayor or Mayor Pro Tem to execute the Intergovernmental Agreement and the Town Clerk to attest to the Intergovernmental Agreement when in final form.

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

ADOPTED this 2nd DAY OF FEBRUARY 2026.

TOWN OF LYONS

By: _____
Mayor Hollie Rogin

ATTEST:

By: _____
Dolores M. Vasquez, CMC, Town Clerk

**TOWN OF LYONS BOARD OF TRUSTEES MEETING
LYONS TOWN HALL, 432 5TH AVENUE, LYONS, COLORADO**

WATCH AT: WWW.TOWNOFLYONS.COM/LIVESTREAM

DRAFT AGENDA
TUESDAY, JANUARY 20, 2026

7:00 pm BOARD OF TRUSTEES REGULAR MEETING

1.3 Roll Call and Pledge of Allegiance – **Present:** Mayor Rogin, MPT Williams, Trustee Hamrick, Trustee
14 Daty, Trustee Lowell, Trustee Browning, Trustee Williams
15
II.6 Land Acknowledgement & Reflective Moment of Silence
17
III.8 Approval of Agenda – **Motion:** move to approve **Moved by:** MPT Williams **Seconded by:** Trustee
19 Lowell **Motion passed unanimously**
20
IV.21 Audience Business & Follow-up – Mariah McCreary, 323 Seward, working to establish a farmers'
22 market for the town; I have submitted a special use application to hopefully get it into Sandstone
23 Park, have done it the last 2 years in Moxies parking lot and feel ready to expand it here; more food
24 access for us and our neighbors. **BOT Response:** board is happy to see this effort and wish her luck.
25 **Staff response:** agrees, hopefully another access for us and our neighbors.
26
V.27 Holocaust Remembrance Proclamation
28
VI.29 Staff Reports
30. Boulder County Sheriff's Office Report – Sgt Crist / McKim unable to attend; Sgt. Crist and Deputy
31 Roseborough attended SAC and discussed graffiti problem in town. 1/25 Sgt McKim will take over as
32 sergeant. She has been shadowing and is ready to go. SRO vehicle has new Lyons HS wrap.
33. Administrator's Report – updated on April 7th municipal election; all nomination petitions due next
34 Monday at 4:30 pm. OMW sponsorship; sensor at WWTF is holding / operating. CDOT ADA
35 replacement project continues, hope to finish this week. Curbside limb pickup yesterday and today.
36 BOCO ballot box to be moved to library after this election. Staff to review impact for additional hauling
37 costs and when did board approve the STFA 5th Ave project.
38. Legal Update – Wireless proceedings; preempt local control, seek to limit our ability to require fees,
39 types of permits we can require; limit ability to regulate what types of facilities we allow. Ability to
40 regulate camouflage requirements. FCC interpretations of rules would be put into jeopardy. Filed
41 robust comments entering into the record numerous examples of how we work well with them. Feel
42 certain this will go to federal court. Lyons is not a direct participant, working on behalf of CML and
43 town well represented. It is difficult for town to file independent comments at this point. Could be
44 future opportunities for comments. My law firm is not a telecom law firm for clarification. Congressional
45 level legislation that bundles together that takes many things entirely out of our hands. Working with
46 Neguse's office but doesn't seem likely to move forward. Directed to notify board of future "me too"
47 clause / opportunity.
48
VII.9 Ordinances and Public Hearings
501. 2nd Reading and Public Hearing – Ordinance 1196 – an Ordinance of the Town of Lyons, Colorado,
51 Annexing the Property at 4497 Ute Highway to the Town of Lyons (**continued from 10/16/2025 BOT**
52 **meeting**) – Planner Ritchie stated town staff unable to secure agreements, applicant doesn't support
53 and has not offered an amended redline. Staff are not requesting to continue; if BOT denies applicants
54 cannot apply for one year. Unable to come to agreement on reimbursement / lack of information on
55 applicant's side, unwilling to sign on to unknown number. Discussion on reimbursement clause; if
56 TEBO improved Highland Dr area, the town would reimburse? Staff: yes, and I have encouraged the
57 two to connect. It is a common clause when costs are unknown for improvements. We would put into
58 clause that future annexor would agree to pay their portion. Modifications to ditches are included.
59 Discussion: Tebo has a 2-year obligation to put up water rights / tap fees? Does he have to do the
60 roads? Director Caplan, we would have to review, the town could do it at some point and have him

61 pay for it. Legal: would be for current existing properties. Recommends voting it down to get clock
62 moving. Staff research if applicant is aware of the one-year stipulation. **Motion:** move to continue to
63 date certain February 2, 2026 **Moved by:** Mayor Rogin **Seconded by:** MPT Williams **motion passes**
64 **unanimously**

652. 2nd Reading – Public Hearing - Ordinance 1197- an Ordinance of the Town of Lyons, Colorado, Zoning
66 4497 Ute Highway of the ‘4497 Ute Highway Annexation’ to Commercial Eastern Corridor (CEC)
67 (**continued from 10/16/2025 BOT meeting**) -Staff report is same as above. **Motion:** move to
68 continue to date certain February 2, 2026 **Moved by:** Mayor Rogin **Seconded by:** MPT Williams
69 **motion passes unanimously**

703. 2nd Reading and Public Hearing – Ordinance 1203- an Ordinance of the Town of Lyons, Colorado,
71 Approving the Rezoning of 4651 & 4652 Ute Hwy from Commercial Eastern Corridor (CEC) to PUD
72 CEC (**Continue to 2/2/26 meeting**) – Staff: no change from 1st reading, applicant requested
73 continuance; reverter clause, CPW recommendations. Legal: to what extent is time-based zoning
74 legal? No great examples: not something you would typically do. A legislative act: a reversion would
75 require action as well. Limiting uses to more palatable uses, which would most likely occur on
76 property. Discussion on time limitations on when we could require development agreement, vested
77 rights. CEC zoning options? That would be separate application. They would need to withdraw and
78 reapply. Trustee Hamrick: did we clear up CPW referral; Staff: I encouraged applicant to meet with
79 CPW, no legal obligation to follow; streambank restoration was to rebuild habitat. **Motion:** move to
80 continue to date certain February 2, 2026 **Moved by:** MPT Williams **Seconded by:** Trustee Lowell
81 **Motion passes unanimously**

824. 2nd Reading and Public Hearing – Ordinance 1211 – an Ordinance of the Town of Lyons, Colorado
83 Approving a Ballot Question Regarding the Increase of the Use Tax by 1.0% to be Approved by Voters
84 at the April 7, 2026, Election – Director Eyestone: this would approve ballot question to align use tax
85 with sales tax with a 1% increase. Trustee Lowell: Use tax applies to taxes on purchases of vehicles
86 (new / used)? Staff: Yes, depending on if dealers charge it, if not the county catches. Trustee Hamrick
87 would like to delay to June as letter from Mossrock notes effect on the project. **PH opened at 7:56**
88 **no speakers Closed at 7:56 pm Motion:** move to approve **Moved by:** MPT Williams **Seconded**
89 **by:** Trustee Daty Discussion: MPT Williams, my biggest concern / many businesses aren't aware of
90 what the town has done to help businesses; track record of businesses not succeeding in town; we
91 need to make sure we receive the revenue we are due and make sure businesses succeed. Changing
92 the rules in the middle of the game; I would like to see both sales / use tax be equal, doing that now
93 potentially harms those in the process and doesn't feel like much we can do. Trustee
94 Browning - affordability; too many taxes raised in the last few years; lower use tax encourages new
95 construction. I don't care if our rates are different. The town is always going to need the money. Do
96 a better job collecting current taxes. Argument of letting voters decide; we've got very big
97 infrastructure projects that we will have to ask ratepayers for money. Opposed and will vote no.
98 Trustee Williams - inclined to support, correction to oversight, alignment is common practice.
99 Sympathetic to concern about it being a regressive tax, if we levy in on large projects without setting
100 them on their heels. Two uncertainties remain; voters will choose. And every current development
101 can be discussed. Will be voting for. Trustee Hamrick; is conflicted, need other sources of funds.
102 Mossrock letter changed my mind; that is a game changer for this town. Seem very straight forward;
103 doesn't seem like a ton of money; will vote no. Trustee Daty - I supported first reading but looking at
104 budget forecast and feel responsible for oversight. We also have heard from developers; it would be
105 easier for voters to decide, but not sure they have the full picture. Trustee Lowell: Staff said difference
106 was \$66K, Mossrock has been waiting for years, this gives them pause, agree w/MPT don't like
107 changing rules in the middle. I will be voting against this. Mayor Rogin, I'm not sure I agree that
108 voters don't understand; I do understand all concerns and will be voting no. Potential lodging tax at
109 hotel would be greater than use tax. We can't bind the hands of a future board; and to have them wait
110 is wrong. Issue of not being business friendly; many don't know what we have done. We have: 1.
111 Worked with CDOT on lease for SVM 2. paying for outdoor furniture for downtown. 3. Noise ordinance
112 was modified. 4. Farmers market was allowed; 5. PBG 2-year leases for continuity, More to do. EVC
113 to work more on policy vs. marketing tactics. 2 meetings a year with EVC / Businesses to establish
114 goals. Trustee Daty will be voting no as well. **Motion FAILS 6-1**

VIII.5 Consent Agenda

116. Resolution 2026-04 – A Resolution of the Town of Lyons, Colorado, Awarding and Approving a Professional Service Agreement for 3rd Avenue Stormwater Design BRIC Project to Drexel Barrel & Co.
117. Resolution 2026-05 - A Resolution of the Town of Lyons, Colorado, Awarding and Approving a Professional Service Agreement for Design for 3rd Avenue and Stickney St. Sidewalks Safe Routes to School Project to Drexel Barrel & Co.
118. Resolution 2026-06 – a Resolution of the Town of Lyons, Colorado Approving a Memorandum of Understanding with WaterNow Alliance Regarding Strengthening Community Resilience Through Green Stormwater Infrastructure
119. January 5, 2026, Regular BOT Meeting Minutes
120. January Accounts Payable

121 **Motion:** move to approve **Moved by:** MPT Williams **Seconded by:** Trustee Lowell Trustee Browning pulled item 1 (Reso 2026-04) Trustee Lowell pulled item 3 (Reso 2026-06). **Motion passes unanimously**

IX.0 Items Removed from Consent Agenda

122 Trustee Lowell – Item 3 Res 2026-06 – supports, cover memo confusion, fiscal impacts; Director Caplan stated it was an oversight. **Motion:** move to approve **Moved by:** Trustee Lowell **Seconded by:** MPT Williams **Motion passes unanimously.** Trustee Browning - Item 1 – Reso 2026-04 BRIC Grant – previously authorized funds still funded through state agency due to court injunction. Should that go away at some point our risk is \$161K; stormwater fund probably can't handle **Motion:** move to approve **Moved by:** Trustee Browning **Seconded by:** MPT Williams **Motion passes unanimously**

X.8 Boards & Commissions

X.10 General Business

141. Agenda Request: Water Tap for Orchard / Adrean Kirk & Glen Delman – Glen Delman stated we have two requests; we have been in touch with confluence neighbors and let them know everything we are requesting. We are requesting a spigot and have received a grant from a wonderful family that will pay for installation, digging and maintenance. No plans for toilet. Original DRBOP asks for a vault toilet. Next request is to put in 14 more trees, that would fill out the orchard, have 35 now. Plenty for food and can handle the water, pruning and maintenance. All 35 trees have been sponsored by community members. Opportunity for elementary school outdoor education. Board response: Trustee Daty is glad they reached out; what was their reaction? Mr. Delman, some support, not everyone back from holidays. Text from Ryan in support of. Trustee Lowell: soil is amenable to growing trees; Mr. Delman, it's mixed with better compost, some trees have grown well; different times to establish. Need more consistent water supply. Trustee Williams asked if there were any impeding projects for water taps. Staff: no current plans. We have two taps available. One specifically for a community project. Trustee Browning: feedback from confluence is creep; what assurances that this is how big it will get. Mr. Delman, this will fill out what is appropriate for the space; any more trees would take up more space towards confluence circle and harder to manage. Administrator Simonsen, the confusion is partly because this is only for the small lot in front, not the entire lot. Not expanding lease area. Mayor Rogin, is there a point where you won't need to water trees after being established? Mr. Delman, after 1-2 years, much less watering is required. MPT Williams appreciated grass roots effort, thoughtful ness and respect. Board consensus: 1. No charge for water tap 2. Use DRBOP tap for purpose intended. 3. Town rate for water usage is appropriate 4. No financial support for installation. 5. Ok with additional 14 fruit trees.
142. Discussion / Direction on Sales Tax Reporting for Event Venues – Mayor Rogin: want to determine if this is a good use of staff time; and an update. Trustee Browning: summer weddings / amount of sales for food, flowers, equipment rental is substantial. Most provided by out-of-town vendors who should be reporting. Not easy for town staff to track. How to make sure we are getting all sales taxes due. Try to make a monthly voluntary report, could pass an ordinance; my preference is to work with vendors. Some tax leakage for sure. Director Eyestone, you are on the right track; would like to see if venues are willing to share who they used in the last summer; and spot check. Larger caterers / florists do report. See what percentage that leakage is before we implement policy. Staff time will be follow-up of those not remitting. Discussion on food trucks; **Direction: get list of regular vendors from 2025 and spot check first.**
143. Resolution 2026-07 – a Resolution of the Town of Lyons, Colorado, approving a Policy Regarding Grant Submittals and Letter of Support Guidelines – Administrator Simosen: staff is looking for

176 guidance on things like when do staff need permission to apply, accept or submit letters of support.
177 Usually when another group asks for a letter of support, they need it within a matter of days and we
178 only meet twice a month. Proposed staff parameters, when BOT approval is needed and letter of
179 support recommendation. Trustee Hamrick supports dollar thresholds; should Mayor sign off on letter
180 of support; Trustee Daty supports; Trustee Lowell: add grant application / LOS forwarded to BOT at
181 next possible meeting. Discussion: many times, the board goes three weeks between meetings, too
182 long. Specify time to notify board and add provision that says BOT may allow it to proceed if
183 withdrawn. Add: anything that prohibits commissions of doing work without authority from BOT / Staff.
184 Similar mechanism of controlling endorsing policy? Staff: some terms have identified legislative
185 policies, and mayor has authority to speak on behalf of town. **Motion:** continue to February 2nd
186 meeting with amendments as noted **Moved by:** Mayor Rogin **Seconded by:** MPT Williams **Motion**
187 **passes unanimously**
188

XII 189 Trustee Reports

- 190 1. MPT Williams– HPC meets tomorrow
- 191 2. Trustee Browning - UEB met last week; Aaron / Jim going to MEAN conference tomorrow;
192 discussing rate increases. Chair Kerr stepped down / Jim Botsford new chair. Spirithounds
193 presented on BOD high strength charges; EVC no quorum; Grace Barrett new chair.
- 194 3. Trustee Williams – PCDC meeting was cancelled.
- 195 4. Trustee Hamrick – SFC met on the 8th and discussed the workplan for the year, and an Earth Day
196 event; Jeff Christy resigned.
- 197 5. Trustee Daty – SAC had a full board; sheriff's department presented on graffiti; town clerk
198 presented on elections. SAC will discuss proposals. Request from Trustee Lowell on data from
199 dog park. Will be the liaison 2/12 at 3:30 pm. LAHC met, met new municipal flag artist. Submitting
200 two options. LCD has begun transitioning funding for art shows. How will they report to the BOT;
201 a resolution to dissolve LAHC? Priority is to hire admin officer. Priscilla Cohan fund has over \$30K.
202 I signed up for Doing Democracy Day and am going to state capital with exchange students
- 203 6. Trustee Lowell – Ecology board meets tonight; PRC met 1/12 discussed skating rink; beavers and
204 damage; taking down trees and they carry gerardia; when are we going to get them out of there;
205 we don't do it in the spring or winter, Director Cosgrove's on top of it.
- 206 7. Mayor Rogin – Clerk Vasquez discussed if SAC could run candidate forum. Missed HHSC
207 meeting; going to DRCOC tomorrow; CML ex board meets Friday; met with a resident on flock
208 cameras, easy to hack into. These are not on town property; on CDOT and sheriff owns data.
209 Some retention policies to negotiate.

XIII 210 Summary of Action Items

- 211 1. Send Safe Streets for All (5th Ave) (when board approved) to Trustee Browning
- 212 2. Quantify costs for WWTF
- 213 3. Legal to inform board of Me-Too option for wireless
- 214 4. Ord 1196 moved to 2/2 notify applicant
- 215 5. Ord 1197 moved to 2/2 notify applicant
- 216 6. Ord 1203 moved to 2/2
- 217 7. Ord 1211 failed on 2nd reading
- 218 8. EVC to work on policy and bi-annual report w/businesses
- 219 9. Orchard request approved with 5 listed conditions.
- 220 10. Get info from venues, conduct sales tax spot checking vendors prior to implementation of policy
- 221 11. Reso 2026-07 moved to 2/2
- 222 12. Mayor Rogin to work on retention policy for flock cameras and bring back

XIV 223 224 Adjournment – **Motion:** move to adjourn **Moved by:** MPT Williams **Seconded by:** Tanya Daty meeting
225 adjourned at 9:42 pm
226

227 Respectfully submitted by:

228

229

230 Dolores M. Vasquez, CMC – Town Clerk

Mayor Hollie Rogin

Town of Lyons
A/P Summary Bi-Monthly
02/02/2026

Date & Check #	Handchecks	Description	Amount
		Handchecks	\$ -
Date - 01/30/2026		Payroll	\$ 50,631.19
		Federal Taxes	\$ 17,607.87
		State Taxes	\$ 2,408.00
		Empower Retirement	\$ 8,396.78
		Unemployment Insurance	\$ 140.68
		Payroll Totals	\$ 79,184.52
Date	Check Number	Electronic Payment	Amount
1/30/2026	92601009	CEBT	\$ 28,258.89
1/20/2026	92601006	CO Dept of Revenue	\$ 6,968.24
12/2/2025	92512005	US Bank	\$ 31,924.09
		Electronic Payment Total	\$ 67,151.22
Unpaid Invoices - Vendor	Amount	Grant Funds	Grant Name
4 Rivers Equipment	\$ 992.05		
Ayres Associates	\$ 962.50		
Baer Mountain & Urban	\$ 3,200.00		
Boulder County Finance	\$ 1,441.37		
Brownstein Hyatt	\$ 1,768.90		
Cale America	\$ 399.70		
Cintas Corp.	\$ 358.00		
CIRSA	\$ 124.00		
CityTech Solutions	\$ 600.00		
Colorado Analytical	\$ 451.80		
CAMU	\$ 543.08		
Constor	\$ 10,453.20		
CPS Distributors	\$ 112.66		
Dietzler Contruction	\$ 132,278.59		
FeeThink Studios	\$ 3,500.00		
Greystone Technology	\$ 1,070.34		
Lyons Creative District	\$ 1,500.00		
M E A N	\$ 97,514.78		
McDonald Farms	\$ 6,001.00		
N Line Electric	\$ 9,974.58		
Permit Refund	\$ 239.16		
Quill	\$ 198.97		
Ramey Enviromental	\$ 5,201.00		
Redstone Review	\$ 419.00		
Senergy Petroleum	\$ 1,455.33		
Sohlden, Ryan	\$ 500.00		
Square State Skate	\$ 2,176.00		

Town of Lyons
A/P Summary Bi-Monthly
02/02/2026

SVVSD	\$ 6,000.00		
The Tendit Group	\$ 2,282.50		
Wickham Tractor	\$ 2,226.67		
Total Unpaid Invoices as of	\$ 293,945.18	\$ -	Grant Expenditures
Grand Total for (Unpaid Invoices, Hand Checks, Payroll, Electronic Payment)	\$ 440,280.92		

Invoice No	Inv/Chk Date	Seq	Description	GL Acct No	GL Activity N	GL Pe	Net Invoice Inv Amount	Sep Check Amount
4 Rivers Equipment								
100 4 Rivers Equipment								
1883463	01/13/2026	1	John Deere 328E Service	01-44-4702	0	226	992.05	992.05
Total 1883463:							992.05	992.05
Total 100 4 Rivers Equipment:							992.05	992.05
Ayres Associates Inc								
82805 Ayres Associates Inc								
227891	01/19/2026	1	St. Vrain Trail Extension	19-60-4401	0	1225	962.50	962.50
Total 227891:							962.50	962.50
Total 82805 Ayres Associates Inc:							962.50	962.50
Baer Mountain & Urban Forestry, LLC								
82267 Baer Mountain & Urban Forestry, LLC								
BAER1441	01/21/2026	1	Curbside Branch Chipping	01-55-4709	0	226	3,200.00	3,200.00
Total BAER1441:							3,200.00	3,200.00
Total 82267 Baer Mountain & Urban Forestry, LLC:							3,200.00	3,200.00
Boulder County Finance								
390 Boulder County Finance								
2472118	12/31/2025	1	Lyons Muni Court December 2025	01-53-4501	0	1225	215.85	215.85
Total 2472118:							215.85	215.85
DECEMBER 2025	12/31/2025	1	Open Space, Jail Rehab, Human Services, Tra	01-02-2100	0	1225	1,290.01	1,290.01
DECEMBER 2025	12/31/2025	2	G - Vendor Fee (Other Income)	01-16-3600	0	1225	64.49-	64.49-
Total DECEMBER 2025:							1,225.52	1,225.52
Total 390 Boulder County Finance:							1,441.37	1,441.37
Brownstein Hyatt Farber Schreck LLP								
541 Brownstein Hyatt Farber Schreck LLP								
1071088	01/26/2026	1	Moss Rock TIF Reimbursement	23-50-4501	0	1225	133.00	133.00
Total 1071088:							133.00	133.00
1071089	01/26/2026	1	402 Main Redevelopment Agreement	23-50-4501	0	1225	1,635.90	1,635.90
Total 1071089:							1,635.90	1,635.90
Total 541 Brownstein Hyatt Farber Schreck LLP:							1,768.90	1,768.90
Cale America, Inc.								
82108 Cale America, Inc.								
188946	12/29/2025	1	PRC-Monthly Kiosk Fees	08-60-4553	0	1225	399.70	399.70
Total 188946:							399.70	399.70

Invoice No	Inv/Chk Date	Seq	Description	GL Acct No	GL Activity N	GL Pe	Net Invoice Inv Amount	Sep Check Amount
Total 82108 Cale America, Inc.:							399.70	399.70
Cintas Corporation No. 2								
764 Cintas Corporation No. 2								
4256172780	01/13/2026	1	G- PPW Uniforms	01-44-4701	0	226	179.00	179.00
Total 4256172780:							179.00	179.00
4256905432	01/20/2026	1	G- PPW Uniforms	01-44-4701	0	226	179.00	179.00
Total 4256905432:							179.00	179.00
Total 764 Cintas Corporation No. 2:							358.00	358.00
CIRSA								
762 CIRSA								
INV1003627	01/20/2026	1	2026 VAMP	01-44-4710	0	226	124.00	124.00
Total INV1003627:							124.00	124.00
Total 762 CIRSA:							124.00	124.00
CityTech Solutions								
82783 CityTech Solutions								
1105	01/20/2026	1	Permit Software February 2026	01-57-4501	0	226	600.00	600.00
Total 1105:							600.00	600.00
Total 82783 CityTech Solutions:							600.00	600.00
Colorado Analytical Lab, Inc.								
812 Colorado Analytical Lab, Inc.								
260106121	01/15/2026	1	Wasterwater Testing	03-62-4253	0	226	216.90	216.90
Total 260106121:							216.90	216.90
260113123	01/23/2026	1	Wastewater Testing	03-62-4253	0	226	145.80	145.80
Total 260113123:							145.80	145.80
260120128	01/21/2026	1	Wasterwater Testing	03-62-4253	0	226	24.30	24.30
Total 260120128:							24.30	24.30
260120187	01/21/2026	1	Water Testing	03-53-4253	0	226	64.80	64.80
Total 260120187:							64.80	64.80
Total 812 Colorado Analytical Lab, Inc.:							451.80	451.80
Colorado Assoc. Municipal Utilities								
815 Colorado Assoc. Municipal Utilities								
10582	01/06/2026	1	CAMU Dues 2026	02-50-4203	0	226	543.08	543.08
Total 10582:							543.08	543.08

Invoice No	Date	Seq	Description	GL Acct No	GL Activity N	GL Pe	Net Invoice	Sep
							Inv Amount	Check Amount
Total 815 Colorado Assoc. Municipal Utilities:							543.08	543.08
Conson								
82681 Conson								
W252421CO.00-4	01/23/2026	1	Wastewater Treatment Facility Modification	03-66-6001	0	1225	10,453.20	10,453.20
Total W252421CO.00-4:							10,453.20	10,453.20
Total 82681 Conson:							10,453.20	10,453.20
CPS Distributors, Inc.								
995 CPS Distributors, Inc.								
0024851925-001	01/22/2026	1	Supplies	08-60-4251	0	226	112.66	112.66
Total 0024851925-001:							112.66	112.66
Total 995 CPS Distributors, Inc.:							112.66	112.66
Dietzler Construction Corporation								
82800 Dietzler Construction Corporation								
PAY APP 7	07/17/2025	1	St. Vrain Trail Extension Project	19-60-4401	0	1225	61,186.40	61,186.40
Total PAY APP 7:							61,186.40	61,186.40
PAY APP 8	08/01/2025	1	St. Vrain Trail Extension Construction	19-60-4401	0	1225	74,833.88	74,833.88
PAY APP 8	08/01/2025	2	Retainage	19-02-2202	0	1225	3,741.69-	3,741.69-
Total PAY APP 8:							71,092.19	71,092.19
Total 82800 Dietzler Construction Corporation:							132,278.59	132,278.59
FreeThink Studios Inc								
82855 FreeThink Studios Inc								
2026 0123	01/23/2026	1	Broadway Annex Mural	19-58-4006	0	1225	3,500.00	3,500.00
Total 2026 0123:							3,500.00	3,500.00
Total 82855 FreeThink Studios Inc.:							3,500.00	3,500.00
Greystone Technology Group, Inc.								
82252 Greystone Technology Group, Inc.								
112817	01/20/2026	1	Cloud Services December 2025	01-44-4201	0	1225	1,070.34	1,070.34
Total 112817:							1,070.34	1,070.34
Total 82252 Greystone Technology Group, Inc.:							1,070.34	1,070.34
Lyons Creative District								
82861 Lyons Creative District								
2026 0123	01/15/2026	1	Town Hall Art Shows Management	01-55-4713	0	226	1,500.00	1,500.00
Total 2026 0123:							1,500.00	1,500.00
Total 82861 Lyons Creative District:							1,500.00	1,500.00

Invoice No	Inv/Chk Date	Seq	Description	GL Acct No	GL Activity N	GL Pe	Net Invoice Inv Amount	Sep Check Amount
2190 M E A N								
310730	01/26/2026	1	W - WAPA Billing December 2025	02-65-4550	0	1225	97,514.78	97,514.78
			Total 310730:				97,514.78	97,514.78
			Total 2190 M E A N:				97,514.78	97,514.78
McDonald Farms Enterprises Inc								
2230 McDonald Farms Enterprises Inc								
0173577-IN	12/31/2025	1	Haul Liquid Waste - Centrifuge Down	03-62-4501	0	1225	3,096.50	3,096.50
			Total 0173577-IN:				3,096.50	3,096.50
0174768-IN	01/16/2026	1	Sludge disposal	03-62-4550	0	226	984.00	984.00
			Total 0174768-IN:				984.00	984.00
0175852-IN	01/22/2026	1	Sludge disposal	03-62-4550	0	226	936.50	936.50
			Total 0175852-IN:				936.50	936.50
0175873-IN	01/22/2026	1	Sludge disposal	03-62-4550	0	226	984.00	984.00
			Total 0175873-IN:				984.00	984.00
			Total 2230 McDonald Farms Enterprises Inc:				6,001.00	6,001.00
N Line Electric, LLC								
2375 N Line Electric, LLC								
32080	12/25/2025	1	Wire Standby Repairs	02-65-4501	0	1225	6,326.02	6,326.02
			Total 32080:				6,326.02	6,326.02
32085	01/06/2026	1	Tree Trimming	02-65-4552	0	1225	325.00	325.00
32085	01/06/2026	2	Pro-Service	02-65-4501	0	1225	584.34	584.34
			Total 32085:				909.34	909.34
321	01/01/2026	1	Blown Fuse	02-65-4501	0	1225	1,459.22	1,459.22
			Total 321:				1,459.22	1,459.22
32101	01/08/2026	1	On Call	02-65-4501	0	1225	640.00	640.00
			Total 32101:				640.00	640.00
32101B	01/08/2026	1	On Call	02-65-4501	0	226	640.00	640.00
			Total 32101B:				640.00	640.00
			Total 2375 N Line Electric, LLC:				9,974.58	9,974.58
Permit Refund								
82655 Permit Refund								
2025-143	01/29/2026	1	General Fund Tax Permit Refund	01-10-3004	0	1225	45.00	45.00
2025-143	01/29/2026	2	Park Fund Permit Refund	08-10-3004	0	1225	22.50	22.50
2025-143	01/29/2026	3	Open Space Permit Refund	01-02-2100	0	1225	26.66	26.66

Invoice No	Date	Seq	Description	GL Acct No	GL Activity N	GL Pe	Net Invoice	Sep
							Inv Amount	Check Amount
2025-143	01/29/2026	4	Building and Technology Fee Permit Refung	01-11-3103	0	1225	145.00	145.00
Total 2025-143:							239.16	239.16
Total 82655 Permit Refund:							239.16	239.16
Quill								
2750 Quill								
47140165	12/29/2025	1	Office Supplies	01-44-4502	0	1225	198.97	198.97
Total 47140165:							198.97	198.97
Total 2750 Quill:							198.97	198.97
Ramey Environmental Compliance, Inc								
82018 Ramey Environmental Compliance, Inc								
30419	10/31/2025	1	Lift Station Maintenance	03-64-4551	0	1225	3,101.00	3,101.00
Total 30419:							3,101.00	3,101.00
30698	12/31/2025	1	HSPS Booster Pump Maintenance	03-53-4551	0	1225	2,100.00	2,100.00
Total 30698:							2,100.00	2,100.00
Total 82018 Ramey Environmental Compliance, Inc:							5,201.00	5,201.00
Redstone Review								
2815 Redstone Review								
8786	01/05/2026	1	Monthly Ad	01-56-4505	0	1225	419.00	419.00
Total 8786:							419.00	419.00
Total 2815 Redstone Review:							419.00	419.00
Senergy Petroleum LLC								
82674 Senergy Petroleum LLC								
415372813	01/14/2026	1	G - Str Gas	01-59-4700	0	226	945.96	945.96
415372813	01/14/2026	2	E - Gas Fuel	02-65-4252	0	226	145.53	145.53
415372813	01/14/2026	3	W - Gas Fuel	03-53-4252	0	226	72.77	72.77
415372813	01/14/2026	4	S - Gas Fuel	03-64-4252	0	226	72.77	72.77
415372813	01/14/2026	5	PRC Gas Fuel	08-60-4252	0	226	218.30	218.30
Total 415372813:							1,455.33	1,455.33
Total 82674 Senergy Petroleum LLC:							1,455.33	1,455.33
Sohlden, Ryan								
82542 Sohlden, Ryan								
2026 0106	01/06/2026	1	Municipal Flag Design Work	01-59-4711	0	1225	500.00	500.00
Total 2026 0106:							500.00	500.00
Total 82542 Sohlden, Ryan:							500.00	500.00
Square State Skate								
82491 Square State Skate								
2025	01/26/2026	1	Skateboard Classes 2025	08-60-4552	0	1225	2,176.00	2,176.00

Invoice No	Inv/Chk Date	Seq	Description	GL Acct No	GL Activity N	GL Pe	Net Invoice	Sep
							Inv Amount	Check Amount
Total 2025:							2,176.00	2,176.00
Total 82491 Square State Skate:							2,176.00	2,176.00
SVVSD								
3222 SVVSD								
DPT122025-01	01/20/2026	1	2025 Holiday Drone Show	19-63-4000	0	1225	6,000.00	6,000.00
Total DPT122025-01:							6,000.00	6,000.00
Total 3222 SVVSD:							6,000.00	6,000.00
The Tendit Group, LLC								
82827 The Tendit Group, LLC								
INV76654	01/16/2026	1	Graffiti Removal	01-59-4318	0	226	2,282.50	2,282.50
Total INV76654:							2,282.50	2,282.50
Total 82827 The Tendit Group, LLC:							2,282.50	2,282.50
Wickham Tractor Co.								
82236 Wickham Tractor Co.								
WE09195	01/27/2026	1	Kubota Service	01-44-4702	0	226	1,407.17	1,407.17
Total WE09195:							1,407.17	1,407.17
WE09196	01/27/2026	1	Kubota Service	01-44-4702	0	226	819.50	819.50
Total WE09196:							819.50	819.50
Total 82236 Wickham Tractor Co.:							2,226.67	2,226.67
Total :							293,945.18	293,945.18
Grand Totals:							293,945.18	293,945.18

Summary by General Ledger Account Number

GL Account Number	Debit	Credit	Net
01-02-2100	1,316.67	.00	1,316.67
01-10-3004	45.00	.00	45.00
01-11-3103	145.00	.00	145.00
01-16-3600	.00	64.49-	64.49-
01-44-4201	1,070.34	.00	1,070.34
01-44-4502	198.97	.00	198.97
01-44-4701	358.00	.00	358.00
01-44-4702	3,218.72	.00	3,218.72
01-44-4710	124.00	.00	124.00
01-53-4501	215.85	.00	215.85
01-55-4709	3,200.00	.00	3,200.00
01-55-4713	1,500.00	.00	1,500.00
01-56-4505	419.00	.00	419.00

Summary by General Ledger Account Number

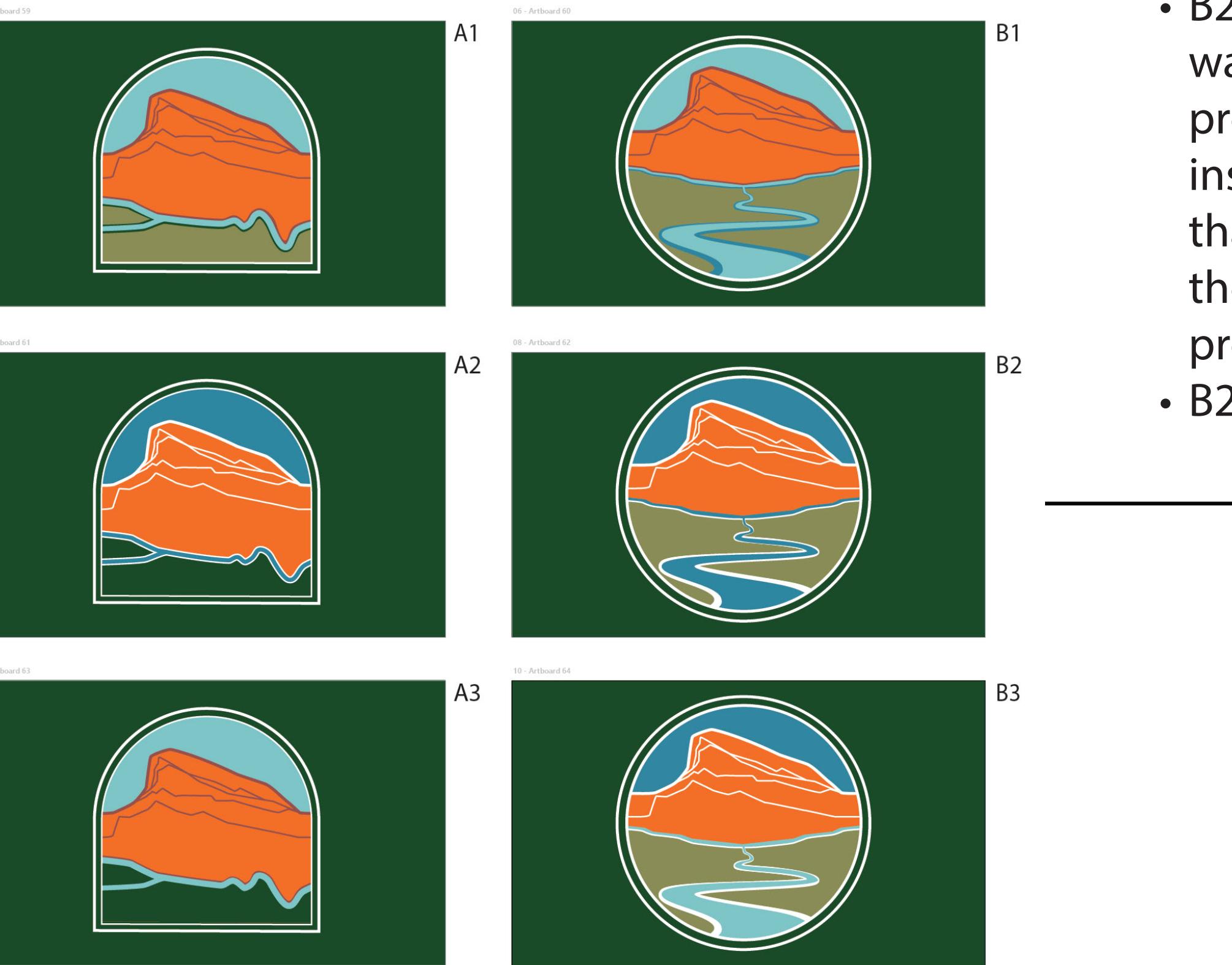
GL Account Number	Debit	Credit	Net
01-57-4501	600.00	.00	600.00
01-59-4318	2,282.50	.00	2,282.50
01-59-4700	945.96	.00	945.96
01-59-4711	500.00	.00	500.00
02-50-4203	543.08	.00	543.08
02-65-4252	145.53	.00	145.53
02-65-4501	9,649.58	.00	9,649.58
02-65-4550	97,514.78	.00	97,514.78
02-65-4552	325.00	.00	325.00
03-53-4252	72.77	.00	72.77
03-53-4253	64.80	.00	64.80
03-53-4551	2,100.00	.00	2,100.00
03-62-4253	387.00	.00	387.00
03-62-4501	3,096.50	.00	3,096.50
03-62-4550	2,904.50	.00	2,904.50
03-64-4252	72.77	.00	72.77
03-64-4551	3,101.00	.00	3,101.00
03-66-6001	10,453.20	.00	10,453.20
08-10-3004	22.50	.00	22.50
08-60-4251	112.66	.00	112.66
08-60-4252	218.30	.00	218.30
08-60-4552	2,176.00	.00	2,176.00
08-60-4553	399.70	.00	399.70
19-02-2202	.00	3,741.69-	3,741.69-
19-58-4006	3,500.00	.00	3,500.00
19-60-4401	136,982.78	.00	136,982.78
19-63-4000	6,000.00	.00	6,000.00
23-50-4501	1,768.90	.00	1,768.90
Grand Totals:	<u>297,751.36</u>	<u>3,806.18-</u>	<u>293,945.18</u>

Summary by General Ledger Posting Period

GL Posting Period	Debit	Credit	Net
12/25	280,360.77	3,806.18-	276,554.59
02/26	17,390.59	.00	17,390.59
Grand Totals:	<u>297,751.36</u>	<u>3,806.18-</u>	<u>293,945.18</u>

1

Concepts presented to BOT 1/5/2026



2

BOT feedback to focus on B2 with updates listed below:

- B2.1: The only “wish” from one or two was wondering if that image might be presented with the gateway “arch” instead of the circle? It was suggested that perhaps the arch could extend all the way to the bottom of the flag if it provides more room for detail.
- B2.2: offer the circular window as well



3

Concepts presented to LAHC 1/13/2026 with feedback

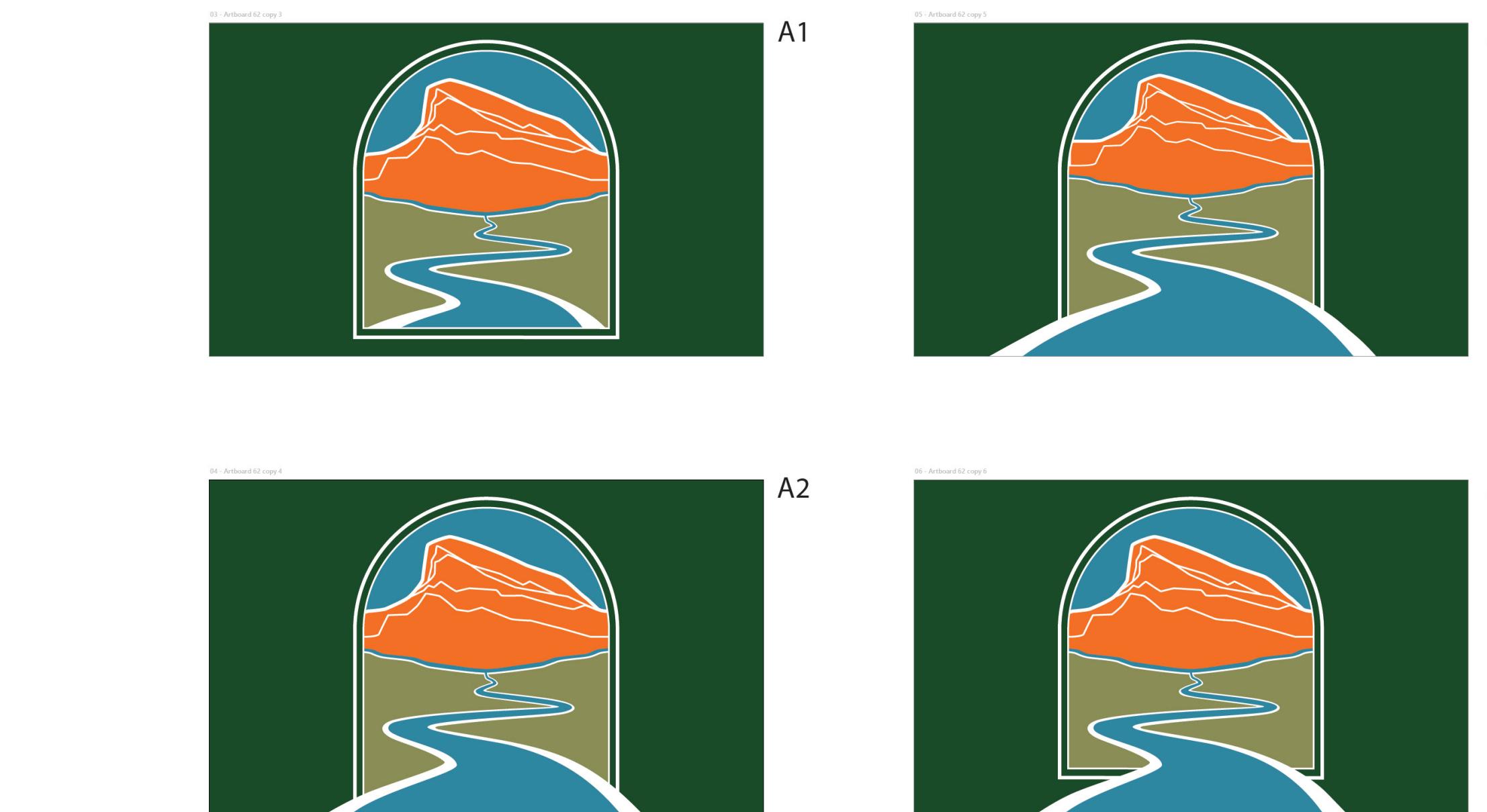
- A2 Extend river beyond edges of the frame
- A2 (Ryan’s consideration) Reduce scale to fit more river.
- B1 doesn’t capture the gateway concept as well.



4

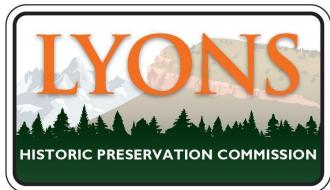
Updates sent to LAHC 1/16/2026 with Ryan’s comments

- A1 Is the original BOT request to put the arch over B2
- A2 Extends water beyond the arch
- A3 Scales down Steamboat to fit more water details and extends the river further beyond the arch. My thought is this feels too ‘aggressive’ and may be associated with flooding.
- A4 Is BOT’s original ask but with river extending beyond the frame. My thought is this may look like a window rather than gateway.



HPC Update

February 2026



2025 Accomplishments

- Completed the Historic Context Survey made possible by a \$25,000 grant from History Colorado, which laid the groundwork for future preservation efforts
- Applied for and received a \$2500 grant from History Colorado for marketing efforts related to historic designation
- Collaborated with the PCDC and EVC to support preservation-based strategies for downtown Lyons

2026 Goals

- Design and distribute marketing collateral for local designation launch; host a community event with History Colorado for Q&A in April 2026
- Finalize recommendations for preservation-based strategies in downtown Lyons
- Apply for a **no-match \$25,000 grant** with History Colorado to conduct intensive level surveys on 20-22 downtown commercial properties

Request to the Board

The HPC would like to apply for a **no-match \$25,000 grant** with History Colorado to conduct intensive level surveys on 20-22 downtown commercial properties.

We Can't Preserve What We Don't Understand

- Property demolition and renovation decisions currently rely heavily on subjective opinions.
- Lyons has no comprehensive data on which downtown buildings are architecturally or historically significant.
- We risk losing buildings tied to our unique identity—without knowing their value until it's too late.
- *Preservation starts with knowledge.*



What This Grant Will Do

Give us objective architectural and historical documentation for 20-22 downtown properties that would include:

- Unique or rare architectural features.
- Previously unknown past uses or significant owners.
- Which buildings are eligible for designation or grant incentives.

Helps inform decisions on demo permits, infill projects, and renovation proposals.

Figure 1: East side of the 300 block of Colorado Avenue ca. 1940s. Lot 19 was vacant at the time the photo was taken (Bill Haarmann).



Figure 2: 311 Colorado Avenue in ca. 1974 during filming of the movie, Mr. Majestyk. (Liz Roberts)



OAHP Site #: SOT.1768 Temporary #27; CLG Grant #CO-21-10005
OAHP Form #1417

COLODO CULTURAL RESOURCES INVENTORY
Historical and Architectural Reconnaissance

Official eligibility determination (OAHP use only)
Date: Initials

Determined Eligible- NR
Determined Eligible- SR
Needs Data
Eligible District - Contributing

IDENTIFICATION

1. Property Name: E.L. Garlington, Jr. Law Offices
 Historic Current Other

2. Resource Classification:
 Building Structure Object Sites/Landscape

3. Ownership:
 Federal State local non-profit private unknown

LOCATION

4. Street Address: 311 Colorado Ave., La Junta, CO 81050
5. Municipality: La Junta Vicinity

6. County: Otero
7. USGS Quad: La Junta Year: 1996 7.5'

8. Parcel Number: 464302320005
9. Parcel Information: Lot(s): 19 Block: 37 Addition: La Junta
10. Acreage: 0.0803 acres Actual Estimated
11. PLSS Information: Principal Meridian: 6 Township: 24S Range: 55W
12. Location Coordinates:
UTM reference: Zone 13 :mE 627964 :mN 4205208 NAD 1927 NAD 1983

DESCRIPTION

13. Construction features (forms, materials):

Stories	Style/Type	Foundation	Walls
One	Modern Movement	Unknown	Stone
Windows	Roof	Chimney	Porch
Glass Block	Flat	n/a	n/a

Optional: additional description (plan/footprint, dimensions, character-defining and decorative elements of exterior and interior; alterations, additions, etc.). The building has a rectangular footprint. The street facade is clad in cut flagstone masonry of irregular courses. A single door is at the north corner, featuring a glass block surround and a full-light aluminum storefront door. The only other fenestration are two vertical bands of glass block, each four blocks wide, near the south corner. These bands extend up from about knee height to the parapet's flagstone coping.

14. Landscape (Important features of the immediate environment):
 Garden Mature Plantings Designed Landscape Walls Parking Lot Driveway Sidewalk Fence Seating
 Other:

OAHP Site #: SOT.1768 Temporary #27; CLG Grant #CO-21-10005
OAHP Form #1417

HISTORICAL ASSOCIATIONS (based on visual observations and/or review of secondary sources):

15. Historic Function/Use: COMMERCIAL/professional Current function/Use (if different):
 Estimated Actual (include source): Otero County Assessor Records

16. Date of Construction: 1952 Estimated Actual (include source): Otero County Assessor Records

17. Other Significant Dates, if any:
 Agriculture Architecture Archaeology Art Commerce Communications Community Planning & Dev't
 Conservation Economic Dev't Engineering Entertainment/Recreation Ethnic Heritage
 Exploration/Entertainment Health/Medicine Industry Invention Landscape Architecture Law Literature
 Maritime History Military Performing Arts Philosophy Political/Gov't Religion Science
 Social History Transportation Other

18. Associated Historic Context(s), if known: n/a

20. Retains Integrity of: Location Setting Materials Design Workmanship Association Feeling

21. Notes: The Assessor attributes this building with a construction date of 1952, which is in keeping with its materials and style, though may be slightly early by a few years. The building does not appear to have undergone any alterations, save for a possible replacement of the entry door at an unknown time.
Additional research into the historic appearance of the building and its architectural context is needed to determine the extent of its potential significance associated with Architecture. Further historical background and contextual research is also needed to fully evaluate other potential areas of significance.

22. Sources: Otero County Assessor records; Sanborn Fire Insurance Company maps.

FIELD ELIGIBILITY RECOMMENDATION:
To be completed by surveyor

Determined Eligible - NR Determined Eligible - SR Eligible District - Contributing Needs Data

RECORDING INFORMATION

Survey Date: 10/25/2021
Surveyed By: Amy Unger and Erika Warzel, Clerestory Preservation (a joint venture between Clerestory Preservation LLC (Denver, CO) and Pine Street Preservation LLC (Alma, CO))

Project Sponsor: City of La Junta (CLG Grant #CO-21-10005)

Why This Matters for Lyons Now

- Supports our CLG status with History Colorado - key to future grants and resources.
- Enables Lyons to adopt more objective criteria for demolition/infill review.
- Aligns with Lyons Thrive Plan goals: protects small-town character and economic vitality.
- No-match grant = \$25,000 in funding without drawing on town budget.



Closing Request

The HPC is requesting approval from the Board of Trustees to apply for a \$25,000 CLG General Grant through History Colorado on or before February 20, 2026.

Thank you for your consideration!