

**ORDINANCE NO. 17
SERIES OF 2017**

**AN ORDINANCE OF THE BOARD OF TRUSTEES
OF THE TOWN OF CARBONDALE, COLORADO
EXTENDING THE DEADLINE TO RECORD A
COMBINED PRELIMINARY AND FINAL PLAT
TO RE-SUBDIVIDE LOT 5 OF THE
CARBONDALE MARKETPLACE
SUBDIVISION**

WHEREAS, on April 25, 2017, the Town of Carbondale Board of Trustees approved and adopted Ordinance No. 7, Series of 2017, which Ordinance provided for the approval of a combined preliminary and final subdivision plat ("Final Plat") to re-subdivide future Lot 5 of the Carbondale Marketplace Subdivision (the "subject property") into two lots to be known as Lot 5A and Lot 5B, for site plan approval to develop a bank facility upon Lot 5B, and for a special use permit to authorize a drive-through bank facility; and

WHEREAS, said Ordinance No. 7-2017 included a contingency such that it would not take force or effect until recordation of Ordinance No. 5, Series of 2016, and the associated subdivision improvements agreement ("SIA") and Final Subdivision Plat for the Carbondale Marketplace Subdivision, which provide in part for the creation of Lot 5, the parcel to be subdivided and developed pursuant to this Ordinance No. 7-2017; and

WHEREAS, said Ordinance No. 7-2017 also provided that, if the approval documentation for the Carbondale Marketplace Subdivision was not finalized and recorded within 180 days of the date of passage of Ordinance No. 7-2017 (by October 25, 2017), that Ordinance No. 7-2017 would be deemed null, void, and of no further force or effect unless this deadline were to be extended by the Board of Trustees by ordinance for good cause shown after extension of the deadline for recordation of the Final Subdivision Plat for the Carbondale Marketplace Subdivision pursuant to Ordinance No. 5-2016; and

WHEREAS, on September 26, 2017, the Board of Trustees approved and adopted Ordinance No. 15, Series of 2017, for purposes of extending the recordation deadline for the Carbondale Marketplace Subdivision until February 28, 2018, based in part on the fact that the Kroger Corporation had recently placed property within this development under contract for purposes of future development of a new City Market Grocery store, and the extension was requested in order to allow Kroger to complete its capital budgeting and allocation process in early 2018; and

WHEREAS, the Applicant, 1st Bank, on behalf of the owner, Carbondale Marketplace, LLC ("Owner"), has requested that the recordation deadline for the Final Plat to re-subdivide Lot 5 be extended through and including May 28, 2018; and

WHEREAS, the Board of Trustees now finds that there is also good cause shown to extend the deadline for recordation of the Final Plat to re-subdivide Lot 5 into two tracts to allow the future development of a drive-through bank facility, upon the terms and conditions set forth herein and in prior related approvals.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO that:

1. The Applicant's requests to extend the recordation deadline for the Final Plat to re-subdivide Lot 5 of the Carbondale Marketplace Subdivision into two lots, Lots 5A and 5B, are hereby approved, such that the recordation deadline will now be May 28, 2018, subject to the conditions set forth below.

2. Except as amended herein, all terms and conditions set forth in Ordinance No. 7, Series of 2017, shall remain in full force and effect.

3. The updated engineer's cost estimate required by Section 4.e of Ordinance No. 7, Series of 2017, shall be dated no earlier than thirty (30) days prior to recordation of the Final Plat, and, prior to recordation, the SIA required by Section 4.c of said Ordinance No. 7 shall be revised to reflect such updated cost estimate and to require Applicant to provide unconditional security to the Town in accordance with the same.

4. All other representations of the Applicant, the Owner, and their respective representatives made before the Board of Trustees during public hearings concerning this Ordinance shall be considered additional conditions of approval.

5. The Owner shall be required to pay and reimburse the Town for all professional and staff fees incurred in processing this Ordinance.

6. As set forth in Ordinance No. 7, Series of 2017, the Town's approval of the future re-subdivision of Lot 5, Crystal River Marketplace Subdivision shall remain an is entirely contingent upon the final effectiveness and recordation of Ordinance No. 5, Series of 2016 and the associated SIA and Final Subdivision Plat for the Carbondale Marketplace Subdivision, which provide in part for the creation of Lot 5. If this prior approval documentation for the Carbondale Marketplace Subdivision is not finalized and recorded on or before May 28, 2018, this Ordinance, Ordinance No. 7- 2017, and all of the various approvals set forth therein and in the associated SIA shall likewise be deemed null, void, and of no further force or effect unless this deadline is extended by the Board of Trustees by ordinance for good cause shown after extension of the deadline for recordation of the Final Subdivision Plat for the Carbondale Marketplace Subdivision pursuant to Ordinance No. 5-2016.

INTRODUCED, READ AND PASSED this 10th day of October, 2017.


THE TOWN OF CARBONDALE

By:



Dan Richardson, Mayor

ATTEST:



Cathy Derby, Town Clerk



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