

**ORDINANCE NO. 5
SERIES OF 2017**

**AN ORDINANCE OF THE BOARD OF TRUSTEES
OF THE TOWN OF CARBONDALE, COLORADO
APPROVING A FOURTH EXTENSION OF THE DEADLINE TO RECORD
A FINAL SUBDIVISION PLAT FOR
THE CARBONDALE MARKETPLACE SUBDIVISION**

WHEREAS, Crystal River Marketplace, LLC ("Applicant"), previously submitted an application to the Town of Carbondale ("Town") for the approval of a final subdivision plat ("Final Plat") for a five-lot subdivision to be known as the Carbondale Marketplace Subdivision;

WHEREAS, on March 16, 2016, the Board of Trustees adopted Ordinance No. 5, Series of 2016, which ordinance included approval of the proposed subdivision and ancillary requests for a special use permit to authorize a fueling station upon proposed Lot 3 of the subdivision, for site plan approval to authorize the location and development of an approximately 60,000 s.f. grocery store upon proposed Lot 2, a fueling station upon Lot 3, and a 9,600 s.f. (net leasable space) retail building upon proposed Lot 4, and for a conditional use permit to authorize a drive-through pharmacy as part of the grocery store operation upon proposed Lot 2; and

WHEREAS, pursuant to Section 3 of said Ordinance No. 5, the deadline to execute and record a final subdivision plat (and complete such other obligations prior to or contemporaneous with recordation of the final subdivision plat, as set forth in Ordinance No. 5, Series of 2016) was 90 days following adoption of Ordinance No. 5, or June 14, 2016; and

WHEREAS, the Applicant subsequently requested that the deadline of June 14, 2016 be extended to allow additional time for preparation, execution, and recording of final documents, and the Board of Trustees approved Ordinance No. 10, Series of 2016, to provide the Applicant until August 12, 2016 to execute and record a final subdivision plat (and complete such other obligations prior to or contemporaneous with recordation of the final subdivision plat, as set forth in Ordinance No. 5, Series of 2016); and

WHEREAS, the Applicant subsequently requested that the deadline of August 12, 2016 be extended to allow additional time for preparation, execution, and recording of final documents, and the Board of Trustees approved Ordinance No. 14, Series of 2016, to provide the Applicant until October 11, 2016 to execute and record a final subdivision plat (and complete such other obligations prior to or contemporaneous with recordation of the final subdivision plat, as set forth in Ordinance No. 5, Series of 2016); and

WHEREAS, the Applicant subsequently requested that the deadline of October 11, 2016 be extended to allow additional time for preparation, execution, and recording of final documents, and the Board of Trustees approved Ordinance No. 19, Series of

2016, to provide the Applicant until February 28, 2017 to execute and record a final subdivision plat (and complete such other obligations prior to or contemporaneous with recordation of the final subdivision plat, as set forth in Ordinance No. 5, Series of 2016) and

WHEREAS, the Applicant has now requested further extension of the deadline to execute and record a final subdivision plat (and complete such other obligations prior to or contemporaneous with recordation of the final subdivision plat, as set forth in Ordinance No. 5, Series of 2016) for an additional 60 days; and

WHEREAS, the Board of Trustees finds and determines to extend the deadline to April 28, 2017 for good cause demonstrated by the Applicant, including that since the approval of Ordinance No. 5, Series of 2016 on March 16, 2016, the Applicant has continued to process a building permit application for a new grocery store to be located upon proposed Lot 2 and a retail building to be located upon Lot 4.

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

1. The Applicant's request for an extension of the deadline to execute and record the final subdivision plat is hereby granted. The Applicant shall have through and including April 28, 2017 to execute and record a final subdivision plat for the Carbondale Marketplace Subdivision (and complete such other obligations prior to or contemporaneous with recordation of the final subdivision plat, as set forth in Ordinance No. 5, Series of 2016).
2. Except as amended herein, all terms and conditions of Ordinance No. 5, Series of 2016, shall remain in full force and effect.

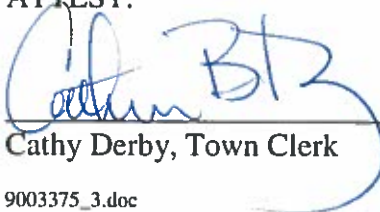
INTRODUCED, READ AND PASSED this 26th day of February, 2017.

THE TOWN OF CARBONDALE

By:


Dan Richardson, Mayor

ATTEST:


Cathy Derby, Town Clerk

