

**TOWN OF PALISADE, COLORADO  
ORDINANCE NO. 2021-07**

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO  
AMENDING ORDINANCE NO. 2020-08 VACATING A PORTION OF  
PEACH AVENUE NORTH OF THIRD STREET AND RESERVING A  
UTILITY EASEMENT.**

**WHEREAS**, High Country Orchards, LLC (“Owner”) applied to the Town for the vacation of the western fifty feet of that portion of Peach Avenue north of Third Street and south of the railroad shown (hereinafter the “Right-of-Way”) be vacated, which the Town of Palisade approved by Ordinance No. 2020-08 (the “Ordinance”); and

**WHEREAS**, the vacation of the Right-of-Way was expressly conditioned on Owner’s restoration of the historic structure on Owner’s Property for a commercial purpose open to the public pursuant to certain deadlines set forth in the Ordinance, including applying for a building permit by December 31, 2020; and

**WHEREAS**, the Ordinance contained a force majeure provision and the Board of Trustees finds the Covid-19 pandemic fits that definition allowing the extension of such deadlines; and

**WHEREAS**, Owner has been diligently working with the Town regarding an application for a building permit and the Board of Trustees wants to amend the deadline to apply for a building permit in the Ordinance to June 30, 2022, to ensure there are no issues of interpretation of the force majeure provision and the applicability of the Covid-19 pandemic in that definition.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALISADE, COLORADO:**


**Section 1.** The Board of Trustees of the Town of Palisade adopts the foregoing recitals and conclusions as facts and determinations and incorporates them by reference as if set forth in full herein.

**Section 2.** The deadline for Owner to apply for a building permit set forth in Section 4 of Ordinance No. 2020-08 is hereby amended to be June 30, 2022. All other terms and conditions in the Ordinance remain in full force and affect, including the requirement that Owner shall receive a certificate of occupancy within two years from the issuance of the building permit. The Board of Trustees further ratifies and affirms Ordinance No. 2020-08 and its legislative affect.


**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED** at a regular meeting of the Board of the Trustees of the Town of Palisade, Colorado, held on August 24, 2021.

TOWN OF PALISADE, COLORADO

ATTEST:

  
Keli Frasier, Town Clerk



  
Greg Mikolaj, Mayor