

[YOUR AD HERE >](#)

Grand Park sues Fraser over easement

Move escalates dispute related to annexation agreement

News [FOLLOW NEWS](#) | August 12, 2021**McKenna Harford** [FOLLOW](#)
mharford@skyhinews.com

Grand Park is suing the town of Fraser, asking the court to force the town to accept an easement for Elk Creek Meadow and resume entitlements the town is currently withholding as part of a dispute over the easement.

On Aug. 5, Grand Park filed a lawsuit against the town of Fraser, the town manager, the town attorney, the town planner and a building official, claiming the town's decision to withhold entitlements to construction projects in the neighborhood is causing the company financial damage.

Fraser Town Manager Ed Cannon said he couldn't comment on the lawsuit while legal proceedings are ongoing.

Fraser began withholding entitlements like building permits and certificates of occupancy after the town board passed a resolution on July 21 that declared Grand Park in default of its annexation agreement due to a lack of a valid conservation easement.

An easement for 17.7 acres of Elk Creek Meadow was filed in March 2020, but the town board declared the easement null and void in October after Town Attorney Rod McGowan said he hadn't approved the document.

However, Grand Park argues that easement is still valid and meets the annexation agreement requirements, giving the town no legal standing to withhold entitlements.

According to the lawsuit, the entitlements exclusion is impacting certificates of occupancy for 24 townhomes in the Meadows, nine homes in the Meadows Villas and 36 condos in Elk Creek Condos, as well as building permits for 20 homes in the Meadows and 24 condos in Elk Creek Condos. Planning commission hearings for the Willows Apartments have been canceled, delaying the project for the foreseeable future.

The suit also argues that Fraser's entitlement exclusion equates to taking land unconstitutionally and that by continuing to deny entitlements, the town manager and town attorney are depriving Grand Park of its rights to due process, to petition the government under the First Amendment and its equal protection rights under the 14th Amendment.

Further, Grand Park asserts that part of the Elk Creek development is not a part of the property defined in the annexation agreement and shouldn't be subject to entitlement exclusions.

On top of declaring the conservation easement valid and ending the entitlement exclusions, the suit asks the judge to direct Fraser Town Planner Catherine Trotter and Winter Park Building Official Thomas Hawkinson to resume processing building permits, certificates of occupancy and development applications.