

TOWN OF FRASER  
RESOLUTION NO. 2020-10-05

A RESOLUTION REGARDING DEED OF CONSERVATION EASEMENT

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FRASER, THAT:

1) The Board finds and determines that:

- (a) The provisions of the Rendezvous Planned Development District Plan recorded at Reception No. 2003-016735 (the "2003 PDD Plan"), the Grand Park Planned Development District Plan recorded at Reception No. 2005-012709 (the "2005 PDD Plan"), and the Amended and Restated Annexation Agreement for the Rendezvous Property recorded at Reception No. 2003-0167333, as amended by the instrument recorded at Reception No. 2005-012708 of the Grand County, Colorado records (the "2003 Annexation Agreement"), require that the open space parcels designated on the 2003 PDD Plan as Elk Creek Meadow and Cozens Meadow be placed in a conservation easement, subject to agreement with Fraser regarding the use and maintenance of such areas and the location and description of such areas consistent with the 2003 PDD Plan (the "Elk Creek-Cozens Meadow Conservation Easement").
- (b) Pursuant to Resolution 2015-07-03, granting approval of the Final Plan and Final Plats for Elk Creek Filings 1 and 2 at Grand Park, the Board of Trustees included a provision which read: "The Board of Trustees authorizes the Town Manager and Town Attorney to negotiate the final terms of the conservation easement and to authorize appropriate Town officials to accept and execute such easement upon approval of the terms thereof by the Town Manager and Town Attorney." Such provision was in reference to the Elk Creek-Cozens Meadow Conservation Easement.
- (c) On or about March 3, 2020, a Deed of Conservation Easement was signed by C. Clark Lipscomb on behalf of Grand Park Development LLC, and by Philip Vandernail on behalf of the Town of Fraser, which Deed was subsequently recorded at Reception No. 2020001847 of Grand County records. By its terms, such Deed of Conservation Easement purported to be in "full satisfaction" of the conservation easement requirements of 2003 Annexation Agreement, but the Cozens Meadow parcel was not included in such Deed. Upon information and belief, Grand Park Development LLC is the successor in title to Cornerstone Winter Park Holdings LLC in the ownership of the Elk Creek Meadow and Cozens Meadow properties and is bound by the terms of the 2003 Annexation Agreement and related PDD Plans.
- (d) The terms of said March 3, 2020 Deed of Conservation Easement did not comply with the requirements of the 2003 Annexation Agreement and the related PDD Plans and it was not executed in conformance with the requirements of said Resolution 2015-07-03 because the terms thereof were not approved and its execution was not authorized by the Town Attorney.

(2) Therefore, the Board of Trustees hereby declares that said March 3, 2020 Deed of Conservation Easement is wholly invalid, unenforceable and null and void, and it does not satisfy the requirements of the 2003 Annexation Agreement and related PDD Plans with respect to the Elk Creek-Cozens Meadow Conservation Easement, in whole or in part, nor does it fulfill the obligations of Cornerstone Winter Park Holdings LLC or Grand Park Development LLC with regard to such requirements. The Board further declares that said requirements for the grant of the Elk Creek-Cozens Meadow

Conservation Easement remain as binding, unfulfilled obligations of Cornerstone Winter Park Holdings LLC and Grand Park Development LLC and the Town of Fraser will enforce those obligations.

DULY MOVED, SECONDED, AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

Votes in favor: \_\_\_\_  
Votes opposed: \_\_\_\_  
Abstained: \_\_\_\_  
Absent: \_\_\_\_

BOARD OF TRUSTEES OF THE  
TOWN OF FRASER, COLORADO

BY: \_\_\_\_\_  
Mayor

ATTEST:

(S E A L)

\_\_\_\_\_  
Town Clerk

