

**TOWN OF RED CLIFF  
RESOLUTION 12, SERIES 2024**

**A RESOLUTION EXTENDING THE EXPIRATION OF THE WATER AND  
WASTEWATER USE RATE VARIANCES EXHIBITED IN RESOLUTION 2, SERIES  
2021 FOR MANGOS MOUNTAIN GRILL AND ROCKY MOUNTAIN ADVENTURE  
RENTALS LOCATED AT 166 1/2 EAGLE STREET, RED CLIFF, COLORADO**

WHEREAS, the Town of Red Cliff, Colorado (the "Town"), is a municipal corporation and body politic organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law;

WHEREAS, the Town owns, maintains, and operates a water and wastewater system for the benefit of residential and commercial customers in the Town;

WHEREAS, Chapter 13, Section 1, Article 240 of the Town's Municipal Code ("Code") establishes the rates to be charged by the Town to customers for their use of the Town 's water and wastewater system;

WHEREAS, pursuant to S 13-1-1 80(b) of the Code, the Town's Board of Trustees ("Board") has the authority to grant a variance from the provisions of Article I of Chapter 13 of the Code, including the rate structure established by Chapter 13, Section 1, Article 240 of the Code, by resolution based on unusual conditions, unique circumstances, or undue hardship, subject to the terms and conditions imposed by the Board;

WHEREAS, pursuant to the rate structure established by Chapter 13, Section 1, Article 240 of the Code, the owner of the real property located at 166 1/2 Eagle Street, is required to pay the Town a monthly fee calculated based on 10 SFE's for the businesses known as Mango's Mountain Grill's and Rocky Mountain Adventure Rentals' use of the Town's water and wastewater system;

WHEREAS, the owner, has asked the Board to grant a variance from the monthly water and wastewater rates it is required to pay the Town pursuant to Chapter 13, Section 1, Article 240 of the Code for Mango's Mountain Grill's and Rocky Mountain Adventure Rentals' use of the Town's water and wastewater system;

WHEREAS, Applicant has previously benefited from a variance originally granted by the Town effective April 1, 2012, and most recently granted November 7, 2023, pursuant to which it has been paying the Town a base rate of \$499.50 per month for Mango's Mountain Grill's and Rocky Mountain Adventure Rentals' use of the Town's water and wastewater system;

WHEREAS, the variance pursuant to which Applicant has been paying a reduced rate to the Town for Mango's Mountain Grill's and Rocky Mountain Adventure Rentals' use of the Town's water and wastewater system will expire on November 7, 2024;

WHEREAS, the Board has determined that it would be appropriate and in the best interests of the Town and the Applicant to enact a new resolution extending the approved variance requested by the Applicant from the date of this Resolution with \_\_\_\_\_ SFE's for a twelve-month period of time; and,

WHEREAS, the Board has determined that the unique circumstances applicable to Mango's Mountain Grill and Rocky Mountain Adventure Rentals justify granting the Applicant a variance from the water and wastewater rates otherwise established by Chapter 13, Section 1, Article 240 of the Code for Mango's Mountain Grill's and Rocky Mountain Adventure Rentals' use of the Town 's water and wastewater system, on the terms and conditions set forth herein.

**NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF RED CLIFF, COLORADO:**

1. The monthly base rate for water and wastewater services for Mango's Mountain Grill's and Rocky Mountain Adventure Rental's use of the Town's water and wastewater system shall be calculated based on \_\_\_\_\_ SFE's, effective November 6, 2024.

2. The monthly base rate for water and wastewater services at Mango's Mountain Grill and Rocky Mountain Adventure Rentals established by paragraph I shall remain in place for 12 months.

3. At the end of the 12-month period, the Applicant shall apply to the Town for a variance from the water and wastewater rates established at that time. If the Applicant fails to apply for a variance from the water and wastewater rates established at that time, or if the Town denies the Applicant's request for a variance submitted in accordance with this paragraph, Mango's Mountain Grill's and Rocky Mountain Adventure Rentals' use of the Town's water and wastewater system, the Applicant shall be required to pay the Town the water and wastewater rates as established at that time.

4. The variance authorized through this Resolution is conditioned on the Applicant complying with all other rules, regulations and standards of conduct established by Article 1 of Chapter 13 of the Code in connection with Mango's Mountain Grill's and Rocky Mountain Adventure Rentals' use of the Town's water and wastewater system. The Town reserves the right to revoke the variance approved through this Resolution after affording Applicant an opportunity to be heard if Applicant fails in any way to comply with the rules, regulations and standards of conduct established by Article 1 of Chapter 13 of the Code in connection with Mango's Mountain Grill's and/or Rocky Mountain Adventure Rentals' use of the Town 's water and wastewater system.

5. If the Town revokes the variance approved through this Resolution, Applicant will be required to pay the Town the water and wastewater rates established by Chapter 13, Section 1, Article 240 of the Code for Mango's Mountain Grill's and Rocky Mountain Adventure Rentals' use of the Town's water and wastewater system effective the first day of the month immediately following revocation of the variance approved through this Resolution.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 5<sup>th</sup> day of November 2024.

TOWN OF RED CLIFF:

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Duke Gerber, Mayor

Attest:

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Melissa Matthews, Administrator/Clerk