

**TOWN OF RED CLIFF  
RESOLUTION 6, SERIES 2023**

**A RESOLUTION EXTENDING THE EXPIRATION OF THE WATER AND WASTEWATER RATE VARIANCES EXHIBITED IN RESOLUTION 3, SERIES 2021 FOR THE GREEN BRIDGE INN, CONVENIENCE STORE, AND RED CLIFF LIQUORS LOCATED AT 104 WATER 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**, Part 4 of Article 1 of Chapter 13 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 § 13-1-180(b) of the Code, the Town's Board of Trustees ("Board") has the authority to grant a variance from the provisions of Article 1 of Chapter 13 of the Code, including the rate structure established by Part 4 of Article 1 of Chapter 13 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 Part 4 of Article 1 of Chapter 13 of the Code, Red Cliff Properties, LLC, the owner of the real property located at 104 Water Street, is required to pay the Town a monthly water and wastewater rate of \$1814 for the business known as The Green Bridge Inn, Convenience Store and Red Cliff Liquors' use of the Town's water and wastewater system;

**WHEREAS**, Red Cliff Properties, LLC has asked the Board to grant a variance from the monthly water and wastewater rates it is required to pay the Town pursuant to Part 4 of Article 1 of Chapter 13 of the Code for The Green Bridge Inn, Convenience Store and Red Cliff Liquors' use of the Town's water and wastewater system;

**WHEREAS**, Applicant has previously benefited from a variance granted by the Town effective April 1, 2012, pursuant to which it has been paying the Town a total of \$549.75 per month for The Green Bridge Inn, Convenience Store and Red Cliff Liquors' use of the Town's water and wastewater system;

**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 approving the variance requested by Applicant from the date of this Resolution for one year; and,

**WHEREAS**, the Board has determined that the unique circumstances applicable to The Green Bridge Inn, Convenience Store and Red Cliff Liquors justify granting Applicant a variance from the water and wastewater rates otherwise established by Part 4 of Article 1 of Chapter 13 of the Code for The Green Bridge Inn, Convenience Store and Red Cliff Liquors' 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 The Green Bridge Inn, Convenience Store and Red Cliff Liquors' use of the Town's water and wastewater system shall be \$549.75, effective November 7, 2023.

2. The monthly base rate for water and wastewater services at The Green Bridge Inn, Convenience Store and Red Cliff Liquors' established by paragraph 1 shall remain in place for 12 months.

3. At the time of expiration of this variance, Applicant shall apply to the Town for a variance from the water and wastewater rates established at that time. If Applicant fails to apply for a variance from the water and wastewater rates established at that time, or if the Town denies Applicant's request for a variance submitted in accordance with this paragraph, The Green Bridge Inn, Convenience Store and Red Cliff Liquors' use of the Town's water and wastewater system, Applicant shall be required to pay the Town the water and wastewater rates established at that time.

4. The variance authorized through this Resolution is conditioned on Applicant complying with all other rules, regulations and standards of conduct established by Article 1 of Chapter 13 of the Code in connection with The Green Bridge Inn, Convenience Store and Red Cliff Liquors' 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 The Green Bridge Inn, Convenience Store and Red Cliff Liquors' 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 Part 4 of Article 1 of Chapter 13 of the Code for The Green Bridge Inn, Convenience Store and Red Cliff Liquors' 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.

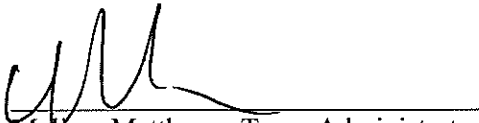
**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 7<sup>th</sup> day of November 2023.**

TOWN OF RED CLIFF



Duke Gerber, Mayor

ATTEST:



Melissa Matthews, Town Administrator/Clerk