

TOWN OF MANCOS
BOARD of TRUSTEES WORKSHOP
January 24, 2024 6:00 P.M.

Joint Workshop – Sidewalk and Hazard Street Tree Program Discussions

Town Hall Board Room

Monthly Board Workshops are for Board discussion purposes only. Decisions cannot be made during these sessions. These workshops are open to the public, however public comment will not be accepted.

BOARD of TRUSTEES MEETING

January 24, 2024 7:00 p.m.

AGENDA

- A. Call to Order
- B. Pledge of Allegiance and Moment of Silence
- C. Roll Call
- D. Approval of the Agenda
- E. Approval of the Minutes of January 10, 2024
- F. Audience Business
- G. Announcements
- H. Committee Reports
 - Montezuma County Commissioner Update
 - Student Liaison Update
 - Montezuma County Planning Commission
 - Region 9
 - CDOT TPR
 - Town of Mancos Planning Commission
- I. Discussion and Action Items
 - 1. Public Hearing: Family Dollar Beer/Wine Liquor License Application
 - 2. Resolution 5 Series 2024: Fee in Lieu
- J. *Items for February 14, 2024 Meeting*
 - *Ordinance TBD Series 2024: Empire Electric Franchise Agreement*
 - *Resolution TBD Series 2024: 2024 Dispatch Agreement Renewal*
 - *Mutual Aid Omnibus Agreement*
 - *422 Grand Ave. Final Update*
- K. Executive Session to discuss the purchase, acquisition, lease, transfer or sale of any real, personal or other property interest under C.R.S Section 24-6-402(4)(a) – three separate properties within town limits owned by three different parties
- L. Adjournment

TOWN OF MANCOS
BOARD of TRUSTEES MEETING MINUTES
January 10, 2024
7:00 p.m.

A. CALL TO ORDER: Mayor Pro Tem Cindy Simpson called the meeting to order at 7:00 p.m.

B. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

C. ROLL CALL: Present: Mayor Pro Tem Cindy Simpson, Trustee Janice Bryan, Trustee Richard Tokar, Trustee Ed Hallam, Trustee Nick Manning, and Student Liaison Torie McKinley.

Absent: Mayor Queenie Barz and Trustee Brent McWhirter.

Staff Present: Town Administrator Heather Alvarez, Public Works Director Terry Jennings, Planning and Economic Coordinator Jason Armstrong, Mancos Marshal Justen Goodall.

D. APPROVAL OF THE AGENDA: Trustee Janice Bryan made the motion to approve the January 10, 2024 agenda. Trustee Nick Manning seconds the motion. Motion passed.

E. APPROVAL OF THE MINUTES: Trustee Richard Tokar made a motion to approve the minutes, as presented by staff, from December 13, 2023 and December 20, 2023. Trustee Nick Manning seconds the motion. Motion Passed.

F. AUDIENCE BUSINESS:

- None

G. ANNOUNCEMENT:

- Public Works Director Terry Jennings updated the Board of Trustees on the progress of the water tank.

H. TREASURER'S REPORT: OCTOBER BILLS & CLAIMS: Trustee Richard Tokar made the motion to approve December Bills & Claims. Trustee Janice Bryan seconds the motion. Motion Passed.

I. COMMITTEE REPORTS

- Montezuma County Commissioner Update – Commissioner Gerald Koppenhafer updated the Board regarding what is happening in the County.
- Student Liaison Update – No update
- Montezuma County Planning Commission – No update
- Region 9 – No update
- CDOT TPR – No quorum in December so no report.

J. DISCUSSION AND ACTION ITEMS

1. Trustee Janice Bryan made a motion to approve the Art Gallery Permit for Painted Turtle Studio, Inc conditional upon state approval and authorize the Town Clerk/Treasurer to send the application to the state. Trustee Richard Tokar seconds the motion. Motion passed with a unanimous vote.
2. Trustee Ed Hallam made a motion to set the perimeters as the Town of Mancos town limits for petition circulation for the liquor license application from Family Dollar Stores of Colorado and set a Public Hearing for January 24, 2024 for licensing decision. Trustee Nick Manning seconds the motion. Motion passed with a unanimous vote.
3. Trustee Ed Hallam made a motion to approve Resolution 4 Series 2024 A Resolution for Supplemental Budget Amending Mill Levy Per Final Certification Of Values Received From Montezuma County For the Year 2024 For The Town Of Mancos Colorado. Trustee Richard Tokar seconds the motion. Motion passed with a unanimous vote.
4. Trustee Richard Tokar made a motion to authorize the Town Administrator to execute the IGA with CDOT for the Grand Avenue ADA Intersection and Sidewalk Construction Project. Trustee Nick Manning seconds the motion. Motion passed with a unanimous vote.
5. Trustee Richard Tokar made a motion to authorize the Town Clerk to execute the Intergovernmental Agreement (IGA) with Montezuma County Clerk and Recorder to coordinate the 2024 Municipal Election with the Town of Mancos. Trustee Janice Bryan seconds the motion. Motion passed with a unanimous vote.

K. *Items for January 24, 2024 Meeting*

- *Sidewalk & Hazard Street Tree Program Discussion (Workshop)*
- *Family Dollar Beer/Wine Liquor License Application*
- *Resolution 5 Series 2024: Fee In Lieu*
- *Ordinance TBD Series 2024: Empire Electric Franchise Agreement*
- *Resolution TBD Series 2024: 2024 Dispatch Agreement Renewal*
- *422 Grand Ave. Final Update*

L. *Adjournment*

Trustee Richard Tokar made the motion to adjourn the meeting at 7:47 pm.

Mayor Queenie Barz

Deputy Clerk Mercedes Yanito

STAFF REPORT

To: Town Administrator, Honorable Mayor and Trustees
From: Jamie Higgins, Town Clerk/Treasurer
Date: January 24, 2024
Re: Family Dollar Stores of Colorado, LLC Beer and Wine License

Recommendation

After public hearing, approve the new Beer and Wine License for Family Dollar Stores of Colorado LLC conditional upon state approval and authorize the Town Clerk/Treasurer to send the application to the state.

Background/Discussion

The Town of Mancos is required to hold a public hearing before approving/rejecting the application for a new Beer and Wine license for Family Dollar Stores of Colorado LLC

Petitions were circulated and turned in by the applicant. There are no objections to the liquor license.

Policy Implications

New Beer and Wine License within Town limits

Resource Impact

None.

Attachments

Application & Supporting Documentation

Colorado Beer and Wine License Application

This application only applies to Fermented Malt Beverage On-Premises, Fermented Malt Beverage On/Off-Premises, and Fermented Malt Beverage and Wine Retailer.

New License

 New-Concurrent

 Transfer of Ownership

• All answers must be printed in black ink or typewritten
• Applicant must check the appropriate box(es)
• Local license fee \$ 1417.50
• Applicant should obtain a copy of the Colorado Liquor and Beer Code: SBG.Colorado.gov/Liquor

1. Applicant is applying as a/an

Corporation

 Partnership (includes Limited Liability and Husband and Wife Partnerships)
 Individual

 Limited Liability Company

 Association or Other

2. Applicant(s) If an LLC, name of LLC; if partnership, at least 2 partners' names; if corporation, name of corporation

Family Dollar Stores of Colorado, LLC. FEIN XXXXXXXXXX

2a. Trade Name of Establishment (DBA) State Sales Tax No. XXXXXXXXXX

Family Dollar Store #31273 0007287747-249 XXXXXXXXXX

XXXXXXXXXX Business Telephone 757-321-5493

3. Address of Premises (specify exact location of premises)

560 West Menefee Street

City Mancos	County Montezuma	State CO	ZIP Code 81328
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4. Mailing Address (Number and Street) 500 Volvo Parkway	City or Town Chesapeake	State VA	ZIP Code 23320
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5. Email Address XXXXXXXXXX	Home Phone Number XXXXXXXXXX
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6. If the premises currently has a liquor or beer license, you MUST answer the following questions

Present Trade Name of Establishment (DBA) N/A	Present State License No. N/A	Present Class of License N/A	Present Expiration Date N/A
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Section A Nonrefundable Application Fees	Section B Fermented Malt Beverage License Fees
<input type="checkbox"/> Application Fee for New License \$1,100.00	<input checked="" type="checkbox"/> Retail Fermented Malt Beverage On-Premises (City) \$96.25
<input checked="" type="checkbox"/> Application Fee for New License - w/Concurrent Review \$1,200.00	<input type="checkbox"/> Retail Fermented Malt Beverage On-Premises (County) \$117.50
<input type="checkbox"/> Application Fee for Transfer \$1,100.00	<input checked="" type="checkbox"/> Retail Fermented Malt Beverage and Wine (City) \$96.25
	<input type="checkbox"/> Retail Fermented Malt Beverage and Wine (County) \$117.50
	<input type="checkbox"/> Retail Fermented Malt Beverage On/Off-Premises (City) \$96.25
	<input type="checkbox"/> Retail Fermented Malt Beverage On/Off-Premises (County) \$117.50
	<input type="checkbox"/> Master File Location Fee \$25.00 x <u>1</u> Total _____
	<input type="checkbox"/> Master File Background \$250.00 x _____ Total _____

Questions? Visit SBG.Colorado.gov/Liquor for more information
Do Not Write In This Space - For Department Of Revenue Use Only

Liability Information			
License Account Number	Liability Date:	License Issued Through: (Expiration Date)	Total
			\$

Application Documents Checklist and Worksheet

Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

Questions? Visit: SBG.Colorado.gov/Liquor for more information.

Items Submitted, Please Check all Appropriate Boxes Completed or Documents Submitted	
I.	<p>Applicant Information</p> <p><input checked="" type="checkbox"/> A. Applicant/Licensee identified</p> <p><input checked="" type="checkbox"/> B. State sales tax license number listed or applied for at time of application</p> <p><input checked="" type="checkbox"/> C. License type or other transaction identified</p> <p><input checked="" type="checkbox"/> D. Submit originals to local authority</p> <p><input checked="" type="checkbox"/> E. Additional information required by the local licensing authority</p>
II.	<p>Diagram of the Premises</p> <p><input checked="" type="checkbox"/> A. No larger than 8 1/2" X 11"</p> <p><input checked="" type="checkbox"/> B. Dimensions included (does not have to be to scale). Exterior areas should show control (fences, walls, etc.)</p> <p><input type="checkbox"/> C. Separate diagram for each floor (if multiple levels)</p> <p><input type="checkbox"/> D. Bold/Outlined licensed premises</p>
III.	<p>Proof of Property Possession (One Year Needed)</p> <p><input type="checkbox"/> A. Deed in name of the applicant ONLY (or) (matching question #2) date stamped/filed with County Clerk</p> <p><input checked="" type="checkbox"/> B. Lease in the name of the applicant ONLY (matching question #2)</p> <p><input type="checkbox"/> C. Lease Assignment in the name of the applicant (ONLY) with proper consent from the Landlord and acceptance by the applicant</p> <p><input type="checkbox"/> D. Other agreement if not deed or lease</p>
IV.	<p>Background Information (DR 8404-I) and Financial Documents</p> <p><input type="checkbox"/> A. Individual History Record(s) (Form DR 8404-I) Complete DR 8404-I for each principal (individuals with more than 10% ownership, officers, directors, partners, members)</p> <p><input checked="" type="checkbox"/> B. Fingerprints taken and submitted to the appropriate Local Licensing Authority through an approved state vendor. Master File applicants submit results to the State. Do not complete fingerprint cards prior to submitting your application. The Vendors are as follows: IdentoGO – https://uenroll.identogo.com/ Phone: (844) 539-5539 (toll-free) Colorado Fingerprinting – http://www.coloradofingerprinting.com Appointment Scheduling Website: http://www.coloradofingerprinting.com/cabs/ Phone: (720) 292-2722 Toll Free: (833) 224-2227 Details about the vendors and fingerprinting in Colorado can be found on CBI's website here: https://cbi.colorado.gov/sections/biometric-identification-and-records-unit/employment-and-background-checks</p> <p><input type="checkbox"/> C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license</p> <p><input type="checkbox"/> D. List of all notes and loans.</p>
V.	<p>Sole Proprietor/Husband and Wife Partnership (if applicable)</p> <p><input type="checkbox"/> A. Form DR 4679</p> <p><input type="checkbox"/> B. Copy of State Issued Driver's License or Identification Card for each Applicant</p>
VI.	<p>Corporate Applicant Information (If Applicable)</p> <p><input type="checkbox"/> A. Certificate of Incorporation</p> <p><input type="checkbox"/> B. Certificate of Good Standing</p> <p><input type="checkbox"/> C. Certificate of Authorization if foreign corporation (out of state applicants only)</p>
VII.	<p>Partnership Applicant Information (If Applicable)</p> <p><input type="checkbox"/> A. Partnership Agreement (general or limited).</p> <p><input type="checkbox"/> B. Certificate of Good Standing</p>
VIII.	<p>Limited Liability Company Applicant Information (If Applicable)</p> <p><input checked="" type="checkbox"/> A. Copy of Articles of Organization</p> <p><input checked="" type="checkbox"/> B. Certificate of Good Standing</p> <p><input type="checkbox"/> C. Copy of Operating Agreement (if applicable)</p> <p><input checked="" type="checkbox"/> D. Certificate of Authorization if foreign LLC (out of state applicants only)</p>

7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?	Yes	No				
	<input type="checkbox"/>	<input checked="" type="checkbox"/>				
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):						
(a) been denied an alcohol beverage license?	<input type="checkbox"/>	<input checked="" type="checkbox"/>				
(b) had an alcohol beverage license suspended or revoked?	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
(c) had interest in another entity that had an alcohol beverage license suspended or revoked?	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
If you answered yes to 8a, b or c, explain in detail on a separate sheet						
9. Has the premises to be licensed been denied within the preceding one year? If "yes," explain in detail.	<input type="checkbox"/>	<input checked="" type="checkbox"/>				
10. Is the proposed Fermented Malt Beverage and Wine Retailer license within 500 feet of any public or parochial school, the principal campus of any college, university, or seminary? NOTE: The distances are to be computed using the methods outlined under C.R.S. 44-3-313(1)(d)(II). Some limited exceptions apply under C.R.S. 44-3-313.	<input type="checkbox"/>	<input checked="" type="checkbox"/>				
11. Is the proposed Fermented Malt Beverage and Wine Retailer license, or On/Off premises license, within 500 feet of a Retail Liquor Store licensed under section 44-3-409 C.R.S.? Distance should be determined using guidelines outlined in 44-3-301(12)(c) C.R.S.	<input type="checkbox"/>	<input checked="" type="checkbox"/>				
12. Are you applying for a Fermented Malt Beverage On and Off Premises License? If yes, answer subparts a and b. If No, go to question 13.	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
(a) The FMB On/Off is located in a county with a population of > 35,000.	<input type="checkbox"/>	<input checked="" type="checkbox"/>				
(b) The FMB On/Off is located in an "underserved area" within a county with population of < 35,000 but lies outside of a municipal boundaries or is a city or town with population of > 75,500.	<input type="checkbox"/>	<input checked="" type="checkbox"/>				
Note - The population is determined from the recently available United States Census Bureau.						
13. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee.	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
14. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____						
a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:						
Landlord Morning Star Partners, LLC	Tenant Family Dollar Stores of Colorado, LLC	Expires 6/30/2045				
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 13.			<input type="checkbox"/>	<input checked="" type="checkbox"/>		
c. Attach a diagram or designate the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".						
15. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.						
Last Name N/A	First Name N/A	Date of Birth N/A	FEIN or SSN N/A	Interest N/A		
Last Name N/A	First Name N/A	Date of Birth /A	FEIN or SSN N/A	Interest N/A		
Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.						
16. Name of Manager(s) for all on premises applicants.						
Last Name N/A	First Name	Date of Birth				
17. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.					<input type="checkbox"/>	<input checked="" type="checkbox"/>

18. Tax Information.	Yes	No
a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?	<input type="checkbox"/>	<input checked="" type="checkbox"/>


19. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the Applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment to be fingerprinted by an approved State Vendor through the Vendor's website. See application checklist, Section IV, for details.

Name Family Dollar, Inc.	Home Address, City & State [REDACTED]	Date of Birth [REDACTED]	Position Stockholder	% Owned 100
Name Peter Barnett	Home Address, City & State [REDACTED]	Date of Birth [REDACTED]	Position President	% Owned 0
Name Roger Dean	Home Address, City & State [REDACTED]	Date of Birth [REDACTED]	Position VP/Treasure	% Owned 0
Name Harry Spencer	Home Address, City & State [REDACTED]	Date of Birth [REDACTED]	Position Asst. Sec.	% Owned 0

** If applicant is owned 100% by a parent company, please list the designated principal officer on above.
 ** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)
 ** If total ownership percentage disclosed here does not total 100%, applicant must check this box:
 Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.

Oath of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature 	Printed Name and Title Harry Spencer, Assistant Secretary	Date
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Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority	Date of local authority hearing – for new license applicants cannot be less than 30 days from date of application 44-3-311(1) C.R.S.
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Each person required to file DR 8404-I has been:

Fingerprinted

Subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license.
 (Check One)

Date of Inspection or Anticipated Date _____

Upon approval of state licensing authority

New Fermented Malt Beverage Off Premises licenses, and On/Off Premises licenses, distance requirements of 44-3-301 C.R.S. are satisfied
 New Fermented Malt Beverage On/Off premises licenses must meet the qualifications of 44-4-104 C.R.S.

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S. and Liquor Rules. **Therefore, this application is approved.**

Local Licensing Authority for	Telephone Number	<input type="checkbox"/> Town, City	<input type="checkbox"/> County
Signature	Printed Name	Title	Date
Signature (attest)	Printed Name	Title	Date

Family Dollar Store of CO, LLC

Bank of America

64-1278/811 GA

06/06/23

PAY ONLY

*****1417.50
one four one seven five zero

PAY ONE THOUSAND FOUR HUNDRED SEVENTEEN AND 50/100-----

PAY TO THE ORDER OF:

TOWN OF MANCOS
P O BOX 487
117 N MAIN STREET
Mancos
United States
CO 81328

M. A. [Signature]



641001786113802659 ©2018 - PAGE 1

Security Features Included Details on back

SEE REVERSE SIDE FOR OPENING INSTRUCTIONS

Family Dollar Store of CO, LLC
500 Volvo Parkway
Chesapeake, Virginia 23320

TOWN OF MANCOS
P O BOX 487
117 N MAIN STREET
Mancos
United States
CO 81328

SEE REVERSE SIDE FOR OPENING INSTRUCTIONS

STAFF REPORT

To: Honorable Mayor and Board of Trustees
From: Heather Alvarez, Town Administrator
Date: January 24, 2024
Re: Resolution 5 Series 2024: Fee in Lieu

Recommendation

Approve Resolution 5 Series 2024 A Resolution Setting The Per Acre Fee In Lieu Of Dedicated Land

Background/Discussion

In order to continue to encourage development in Town limits, at their January 10, 2024 meeting, the Planning Commission recommended that the current fee in lieu remain at \$25,000 per acre.

The fair market value and cash in lieu amount is set by resolution by the Board of Trustees upon the recommendation of the Planning and Zoning Commission.

Chapter 16, Article 14, Division 4 requires the developer of a subdivision to dedicate at least **ten percent (10%)** of land within a subdivision to the Town, or other entity, as determined by the Board of Trustees, to be used for parks and recreation, open space, school sites, municipal facilities or cash in lieu of such dedication. The cash in lieu fee amount is to be reviewed on an annual basis. The fee reflects the estimated current fair market value for unimproved “raw” land adjacent to town. This was currently set at \$25,000 per acre in 2021 and has remained unchanged since then.

Recent market value research indicates a 7,500 square foot, vacant lot in Mancos sells for approximately an average of \$76,000. One acre of land is 43,560 square feet. It should be noted that most communities distinguish in their code/policies that it is only new residential development (SF, multi-family or mixed use) that is charged this fee. Some use a % calculation of gross land area, some use a per residential unit fee, and some use a per SF cost.

Resource Impact

Sets amount for cash in lieu of land set asides for future subdivisions

Attachments

Town of Mancos Land Use Code Chapter 16, Article 14, Division 4
Resolution 5 Series 2024

Section 16-14-4 Dedications

A. Purpose

The requirements for open space, school sites, parks, and recreational areas contained in this section ensure that there will be sufficient land dedicated or otherwise set aside to meet the demand and need of the future residents of the development for open space, school sites, and parks, containing passive or active recreational areas that are reasonably attributable to such development.

B. Applicability

Every subdivision shall include a dedication of land to the Town, or other entity, as determined by the Board of Trustees, to be used for parks and recreation, open space, school sites, municipal facilities, or cash in lieu of such dedication in an amount established by this section as a condition of final plat approval and prior to the recording of a final plat.

C. Dedication Requirement

The developer shall dedicate to the Town at least 10 percent of the gross land area, in fee simple or other equivalent cash-in-lieu, unless a land dedication was required for the subject land at the time of annexation.

D. Specifications

1. Land dedicated or otherwise set aside for dedications must be of appropriate size, dimensions, topography, and general character as required for the type of use necessary to meet the demand and need of future residents (e.g., school sites, open space buffers, public trails, active recreation for team or individual sports, playgrounds, tot lots, picnic areas, etc.).
2. Unique natural areas or flood-prone areas that provide an opportunity for public trails or linkage parks may be included in areas dedicated or reserved for open space.
3. With the exception of land dedicated for trails, dedicated or reserved land shall have minimum dimensions of 100 feet in width and 150 feet in depth, unless otherwise approved by the Board of Trustees.

E. Platting Requirements

Any land dedicated for open space, school sites, or park and recreational areas must be shown on the face of a plat submitted for approval by the Planning Commission and Board of Trustees.

1. Pins to be Installed

Each corner of the parkland to be donated shall be marked with a permanent monument consisting of 3/4-inch iron pins set in concrete. These shall be located and identified on a recordable land survey completed by a land surveyor registered in the State and provided to the Town by the owner and/or developer.

2. Plat to be Recorded

Upon approval by the Board of Trustees, a plat shall be filed of record in the office of the County Clerk and Recorder.

F. Payment of Cash in Lieu of Dedication

Payment of cash in lieu of dedication of land for park and recreational purposes shall be made prior to the recording of a final plat and shall be subject to the following provisions:

1. Applicability

In a subdivision of less than 20 acres or where the required dedication would be less than one acre, or if the Board of Trustees finds that the park and recreational needs of a proposed

development would be better served by a park in a different location or the expansion or improvement of an existing park or recreational area, the Board of Trustees may substitute a cash payment other equivalent conveyance in lieu of land dedication.

2. Schedule for Cash in Lieu

The amount of cash payment shall be calculated based on the land area that would be required as a dedication. The Planning Commission shall recommend and the Board of Trustees shall establish by resolution the per-acre fee based upon the current fair market value for raw lands within the corporate limits of the Town.

3. Accounting, Expenditure, and Refunds

All such payments of cash-in-lieu fees shall be accounted for and spent according to the following requirements:

- a. Cash-in-lieu payments shall be segregated in a special Parks and Recreation Capital Improvement Fund, to be spent on a first-in-first-out basis and used only for the acquisition and improvements of open space, school sites, and park and recreational areas within the Town that will meet the needs of the residents of the development or subdivision in respect of which such payment was made.
- b. Cash-in-lieu payments shall be expended on the acquisition or improvement of open space or park land within reasonable proximity to the proposed development or subdivision from said development or subdivision.
- c. If cash-in-lieu payments are not expended or unconditionally committed to be expended within 10 years of receipt, the developer or owner shall be entitled to a refund of the amount paid, upon written request by the developer or owner, filed with the Town Clerk within one year after the right to such refund arises.

Town of Mancos
Resolution 5 Series 2024

A Resolution Setting The Per Acre Fee In Lieu Of Dedicated Land

WHEREAS, the Town of Mancos Land Use Code Chapter 16, Article 11, Division 4 requires that with every new subdivision, sufficient land be dedicated or a fee in lieu paid to meet the public use demand of future residents; and

WHEREAS, the Town of Mancos Land Use Code Chapter 16, Article 11, Division 4 also provides a cash-in-lieu arrangement for new subdivisions; and

WHEREAS, the Town of Mancos Land Use Code Chapter 16, Article 11, Division 4 requires the developer to dedicate at least ten percent (10%) of the gross land area, in fee simple, or other cash-in-lieu, unless such a land dedication was required for the subject land at the time of annexation; and

WHEREAS, the Town of Mancos Land Use Code requires a payment of cash-in-lieu of dedication of land for park and recreational purposes shall be made prior to recording of a final plat; and

WHEREAS, the Town Board of Trustees may set by resolution the fee amount upon the recommendation of the Town of Mancos Planning and Zoning Commission; and

WHEREAS, the Town Board of Trustees by resolution, sets the per-acre fee for dedicated land based upon the current fair market value for raw lands within the corporate limits of the Town of Mancos per Chapter 16, Article 11, Division 4 of the Town of Mancos Land Use Code; and

WHEREAS, after reviewing recent raw land sales within the Town of Mancos, it has been determined that the current fair market value should be set at \$25,000 per acre; and

WHEREAS, the Town of Mancos Planning and Zoning Commission recommended to set the per-acre fee at **\$25,000 per acre** at their regular meeting on January 17, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF MANCOS:

The Board of Trustees of the Town of Mancos hereby sets the cash-in-lieu fee for dedicated land, per requirements of Chapter 16, Article 11, Division 4 of the Town of Mancos Land Use Code, at \$25,000 per acre. Per the Mancos Municipal Code, this fee will be updated annually.

PASSED, ADOPTED, AND APPROVED this 24th day of January, 2024.

Mayor Ellen "Queenie" Barz

Town Clerk/Treasurer Jamie Higgins