

**ORDINANCE NO. 10  
SERIES OF 2022**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF  
CARBONDALE, COLORADO, APPROVING AN EXTENSION OF THE  
DEADLINE TO COMPLETE PUBLIC IMPROVEMENTS FOR  
EASTWOOD SELF-STORAGE FACILITY.**

WHEREAS, Eastwood 133, LLC, a Colorado limited liability company, previously submitted a petition for annexation of a territory (“Property”) lying outside of but adjacent to the Town of Carbondale (“Town”) and contemporaneously submitted a land use application for Zoning, Major Site Plan Review, a Conditional Use Permit and Statutory Vested Rights for the Property (collectively the “Application”) for a 590-unit self-storage facility to be known as Eastwood Self-Storage; and

WHEREAS, on November 24, 2020 the Board of Trustees of the Town of Carbondale adopted Resolution No. 12, Series of 2020, Ordinance No. 13, Series of 2020, Ordinance No. 14, Series of 2020, the Annexation Agreement, and the Development Improvements Agreement for Eastwood Self-Storage; and

WHEREAS, pursuant to Section 4.b of said Development Improvements Agreement, which is attached to Ordinance No. 14 Series of 2020, the deadline to complete the required Public Improvements as defined in Section 4.c of said Development Improvements Agreement, is on or before November 10, 2022; and

WHEREAS, pursuant to Section 16 of said Development Improvements Agreement, the Town has discretion to extend the deadline for completion of the required public improvements upon written request from the Developer and any third party that provided security to the Town to guaranty completion of the public improvements after a hearing before the Board of Trustees and approval of the associated ordinances and/or amendments to the Annexation Agreement; and

WHEREAS, on July 15, 2022 Carbondale Storage, LLC (“Developer”) purchased the property from Eastwood 133, LLC; and

WHEREAS, pursuant to a letter to the Town dated July 22, 2022, the Developer has requested that this deadline be extended for 6 months until May 10, 2023, in order to allow for additional time to agree to an access easement, receive a notice to proceed from CDOT, and construct the public improvements; and

WHEREAS, the Board of Trustees finds that the reasons for the delay occurred through no fault of the Developer and for reasons beyond the Developer’s control; and

WHEREAS, the Board of Trustees finds and determines that this extension request should be granted, for good cause shown, including that since the property ownership change the Applicant has been diligently engaged with Town staff in the preparation of approvals and construction of require public improvements.

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NOW THEREFORE, BE IT THEREFORE ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO, that:

1. The Developer's request for a 6-month extension of the required public improvements completion date is hereby granted. Developer shall have through and including May 10, 2023 to complete the required public improvements for Eastwood Self-Storage.

2. Except as expressly amended herein, all terms and conditions of Resolution No. 12, Series of 2020, Ordinance No. 13, Series of 2020, Ordinance No. 14, Series of 2020, the Annexation Agreement, and the Development Improvements Agreement for Eastwood Self-Storage shall remain in full force and effect.

INTRODUCED, READ AND PASSED this 8<sup>th</sup> day of November 2022.

THE TOWN OF CARBONDALE

By: Ben Bohmfalk  
Ben Bohmfalk, Mayor

ATTEST:

By: Cathy Derby  
Cathy Derby, Town Clerk



1. INTRODUCED, READ AND PASSED  
2. THE BOARD OF TRUSTEES  
3. BE IT SO ORDERED