CORTEZ CITY COUNCIL
RESOLUTION NO. 02, SERIES 2025

A Resolution approving an exception to the strict application of the Cortez Land Use Code concerning the paving of a City street

WHEREAS, Ted and Robyn Schaefer, owners and Applicants (the "Applicants") have submitted a Deviation/Exception Request (the "Application"), which is attached hereto and incorporated herein as Exhibit A, seeking an exception to the strict application of the Cortez Land Use Code located at 906 N. Market Street, Cortez, Colorado and more particularly described as (the "Property"):

Tract F, Montview Addition, City of Cortez, Montezuma County, Colorado

WHEREAS, pursuant to Section 5.01.2(B) of the LUC, the City Council has the authority to approve less restrictive minor deviations or exceptions to the strict application of the provisions of the Site Development Standards in Chapter 5 of the LUC in circumstances in which the City Council determines involve unique characteristics of a particular property, of a particular proposed use, inconsistency with surrounding property, or other circumstances that make the strict application of the provisions of the LUC inequitable, physically impractical or contrary to the public good; and

WHEREAS, pursuant to Section 5 of the LUC, all streets and access shall be designed per Section 4 of the LUC; and

WHEREAS, pursuant to Section 4 of the LUC, an applicant is required to improve all streets serving a development by paving and installing curbs, gutters and sidewalks; and

WHEREAS, pursuant to Section 5 of the LUC, sidewalks, curbs, and gutters shall be installed along public streets for all new development, infill development, or redevelopment; and

WHEREAS, the Application contains the Applicants' proposed reasoning for the requested approval by Council of the minor deviation or exception to the strict application of the LUC requirements regarding paving and the installation of curbs, gutters and sidewalks on a portion of North Market Street.

NOW, THERFORE, BE IT RESOLVED BY THE CORTEZ CITY COUNCIL:

THAT, this Cortez City Council Resolution No. 2, Series 2025, establishes the circumstances in which the Council has determined involve unique characteristics of the Property and the surrounding uses that warrant an approval of the Application and an exception to the paving and installation of curbs, gutters and sidewalks on North Market Street; and

THAT, the Application is hereby approved, and the Applicants shall not be required to pave or install curbs, gutters and sidewalks on any portion of North Market Street.

MOVED, SECONDED, AND ADOPTED THIS 22ND DAY OF APRIL, 2025

Rachel Medina

Rachel B. Medina, Mayor

ATTEST:

Cheryl Lindquist

Cheryl Lindquist, Deputy City Clerk