

**CITY OF LEADVILLE, COLORADO
RESOLUTION NO. 26
SERIES 2020**

**A RESOLUTION APPROVING A REVOCABLE LICENSE AGREEMENT FOR USE
WITH TEMPORARY USE PERMIT APPLICATIONS INVOLVING PUBLIC
PROPERTY**

WHEREAS, the City of Leadville (“City”) has the authority to enter into contracts for any lawful municipal purpose pursuant to C.R.S. § 31-15-101; and

WHEREAS, the City of Leadville continues to be subject to executive and public health orders issued by the State of Colorado and Lake County (“Health Orders”) related to severe acute respiratory syndrome coronavirus 2 (“COVID-19”); and

WHEREAS, the applicable Health Orders currently in effect permit restaurants to reopen with limitations for in-person dining and permit limited in-person dining in outdoor areas with permission of the local jurisdiction; and

WHEREAS, the City desires to use the temporary use permit process set forth in Chapter 17.64 of the Leadville Municipal Code to administratively process and approve applications for such outdoor dining areas that are in compliance with the applicable Health Orders; and

WHEREAS, if a temporary use permit application requests the use of public property, the applicant must obtain a license from the City to use such public property, satisfy the approval criteria for a temporary use permit, and meet the requirements of the Health Orders; and

WHEREAS, City Council desires to approve the form of revocable license agreement (“Agreement”), attached hereto as **Exhibit 1** and incorporated herein by this reference, for use when a temporary use permit application involves the use of public property; and

WHEREAS, the City Council further desires to authorize the Mayor to execute such Agreements as needed for temporary use permit applications for the remainder of the calendar year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Leadville, Colorado as follows:

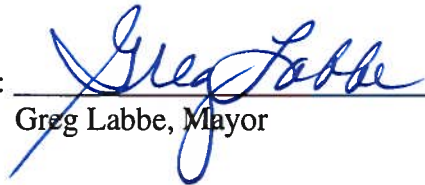
Section 1. The Leadville City Council hereby: (1) approves the form of revocable license agreement (“Agreement”) in substantially the form attached hereto as **Exhibit 1** for use in the temporary use permit application process of the City when permission to use public property is needed; (2) authorizes the City Attorney to make such changes and updates to the form of Agreement as may be necessary from time to time to best protect the City’s interests; (3) authorizes


the Mayor to execute and the Deputy City Clerk to attest to such Agreements, as needed, in relation to approval of temporary use permits; and (4) authorizes the Mayor to execute any amendments to Agreements that may be needed in a form approved by the City Attorney and that do not increase the obligations of the City.

Section 2. Compliance with Health Orders. It shall be the policy of the City in approving temporary use permits for outdoor dining areas that applicants for such permits must certify that they are in compliance with applicable Health Orders, as may be amended, that are in effect for during the term of any temporary use permits approved by the City.

Section 3. Effective Date and Term of Authorization. This Resolution shall take effect upon its adoption by the City Council. The authorizations approved by this Resolution shall be effective beginning on the effective date of this Resolution and shall terminate on December 31, 2020 unless further action is taken by City Council to extend such authorization.

CITY OF LEADVILLE, COLORADO:

By: 
Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

ADOPTED by a vote of 7 in favor and 0 against, and 0 abstaining, this 2nd day of June, 2020.

EXHIBIT 1
FORM OF REVOCABLE LICENSE AGREEMENT

[See attached contract]