



COVID WINTER USE EXTENSION TO OCTOBER 30, 2021

Box 397 Telluride, CO 81435
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BUSINESS NAME: _____

STREET ADDRESS: _____

PROPERTY OWNER(s): _____ **Phone #:** _____

Street Address: _____ **Email address:** _____

APPLICANT: _____ **Phone #:** _____

Street Address: _____ **Email address:** _____

EXTENSION:

Town Council has authorized the continued use of the Temporary use of off-street parking and private property for winter uses that were to assist with protecting employees and patrons during the COVID Pandemic to extend to October 30, 2021.

Please indicate below by checking the appropriate box below:

I will continue to operate the winter use beyond May 21, 2021 until no later than October 30, 2021*

I will not continue to operate the winter use beyond May 21, 2021.

*Required for Extension of Winter Use to October 30, 2021

EVIDENCE OF OWNER’S CONSENT: PLEASE PROVIDE EVIDENCE OF OWNER’S CONSENT

INDEMNIFICATION:

PLEASE SIGN THE SEPARATE ATTACHED “LETTER OF INDEMNIFICATION” WITH APPLICATION.

Signature of Applicant: _____ Date: _____

RELEASE, INDEMNITY and WAIVER of LIABILITY

THIS RELEASE, INDEMNITY and WAIVER of LIABILITY (“Waiver”) is signed by

_____ on behalf of _____

whose address is _____, (hereinafter “**Local Business**”) on this
____ day of _____ 2021.

WHEREAS, on March 10, 2020 Jared Polis, the Honorable Governor of the State of Colorado, declared a State of Emergency for the entire State of Colorado in response to the worldwide Corona Virus Disease 2019 (“**COVID-19**”) pandemic; and,

WHEREAS, on March 20, 2020 the Town Manager of the Town of Telluride (“**Town Manager**”) issued a Declaration of Local Disaster Emergency, on file with the Town Clerk of the Town of Telluride (“**Town Clerk**”) and with the San Miguel County Clerk and Recorder, which Declaration was extended by formal passage of Resolution 6 Series of 2020 by the Town Council of the Town of Telluride (“**Town Council**”) on March 27, 2020; and,

WHEREAS, governmental response to COVID-19 from the State of Colorado and the San Miguel County Board of County Commissioners pursuant to several versions of Public Health Orders (“**PHOs**”) included closure of local businesses for over two months; and,

WHEREAS, while businesses have been allowed to re-open, under Colorado and San Miguel County PHO guidance, they are now subject to limitations on occupancy due to social distancing requirements and it is anticipated that these PHO provisions will continue to limit the financial viability of many local businesses impacted by the complete shut-down; and,

WHEREAS, Town values the retail and restaurant experience enjoyed by visitors and local citizens alike; and,

WHEREAS, Town is committed to encouraging and assisting local business to offer areas that could assist with PHO social distancing and occupancy restrictions which may continue through the Summer of 2021; and,

WHEREAS, the Local Business wishes to benefit from the additional outdoor business opportunities provided by Town.

NOW IN CONSIDERATION of Town of Telluride approval of the Covid Winter Use Application attached hereto permitting the Local Business accommodations for winter dining, the Local Business acknowledges, agrees and represents the following:

1. Town approved the project as described in the Covid Winter Use Application less any strikethroughs or amendments made during the review process as indicated.
2. The approval was granted is for the term beginning the date of execution of this Waiver through May 21, 2021 , and is now extended through October 30, 2021.
3. Fixtures approved therein, if any, shall not encroach or be affixed to Town right-of-way unless otherwise approved.
4. Fixtures approved therein, if any, which may be at risk of high winds loads shall be secured by weighted ballasts sufficient to withstand high winds.

5. Fixtures approved therein, if any, which may be at risk of snow loads shall be monitored by the Local Business and snow shall be regularly cleared to ensure public safety.
6. The Local Business shall keep the rights-of-way adjacent to any approvals at all times free and clear of any obstructions.
7. The Local Business on behalf of itself and its heirs, executors, successors and assigns, agrees to indemnify and hold harmless the Town of Telluride and its officers, agents and employees from and against any and all claims, suits, damages, costs, losses, and expenses, including attorney fees, to persons or property in any manner resulting from, arising out of, or connected with the construction, maintenance, removal or operation of the approvals which are the subject of this Waiver.
8. The Local Business acknowledges that the approvals are revocable by the Town Manager for any reason whatsoever at the sole discretion of the Town Manager.
9. The Local Business expressly agrees that this Waiver is intended to be as broad and inclusive as is permitted by the law of the State of Colorado and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

I have read and voluntarily sign this RELEASE, INDEMNITY and WAIVER of LIABILITY.

Signature

By: _____
Signor Name

On Behalf of: _____
Business Name

The foregoing instrument was acknowledged before me this ____ day of _____
2021 by _____ on behalf of _____.
WITNESS my hand and official seal.

My commission expires: _____

Notary Public