

EXHIBIT A

Agreement and Covenants

The Town of Grand Lake, a municipal corporation created and existing pursuant to the laws of the State of Colorado, located in the County of Grand, State of Colorado (hereinafter the “Town”) and Peter and Brenda Plowshay (collectively hereinafter the “Owner”) hereby agree as follows on this 8th day of July, 2024:

WHEREAS, the Owner is the owner of certain real property within the Town of Grand Lake more particularly described as Lots 37-38, Block 3, Sunnyside Addition to the Town of Grand Lake (a/k/a 1532 Grand Avenue) together with the improvements thereon (hereinafter the “Property”); and

WHEREAS, the structures located the Property are used by the Owner for residential use only; and

WHEREAS, the Owner submitted to the Town in the spring of 2024, a Conditional Use Permit request to install and implement a track rail and carriage system (hereinafter the “Tram”) for the purposes of transportation of residents and guests of the Property across the and down the Property; and

WHEREAS, on July 8, 2024, the Town Board of Trustees held a Public Hearing regarding this matter, to discuss the Application as well as the recommendations of the same from the Grand Lake Planning Commission and consider public testimony on the Application; and

WHEREAS, the Town Board of Trustees discussed this matter and approved the Conditional Use Permit request to install and implement a Tram based on the hardships that the Property is 75’ wide and has a greater than 52% grade; and

WHEREAS, the Town Board of Trustees approved Resolution No. xx-2024 on 8th day of July, 2024 regarding the Conditional Use Permit for construction and use of the Tram.

NOW THEREFORE, the Owner covenants and agrees as follows, and in reliance on the representations of the Owner, the Town covenants and agrees as follows:

1. The approval of the construction and use of the Tram is based on the construction plan attached as ‘Exhibit B’ of the Town of Grand Lake Resolution No. xx-2024. The elevator inspection of the building permit will not be permitted until the approved construction plan has been met.
2. Maintenance and upkeep of the Tram, including the track rails, carriage and mechanical system, is the responsibility of the Owner. If the Tram is not maintained and it falls into disrepair or otherwise becomes a hazard, the Town can take those steps reasonably necessary to

protect the public health and safety to remove the Conditional Use Permit, the hazard itself and assess the Owner all costs incurred by the Town in doing so. If the Owner fails to reimburse the Town for such costs, the Town can file them as a lien against the property, to be collected in the same manner as delinquent taxes.

3. The Town has the right, but not the obligation, to conduct annual inspections of the Tram for compliance herewith.

4. Future alterations of the approved paint color are subject to review by the Town.

5. To maintain the vegetation on the hillside as pre-construction. If the Owner fails in the maintenance of the landscaping vegetation, the Town can take those steps reasonably necessary to landscape according to the approved construction plan and assess the Owner all costs incurred by the Town in doing so. If the Owner fails to reimburse the Town for such costs, the Town can file them as a lien against the property, to be collected in the same manner as delinquent taxes.

6. This agreement shall be deemed to be a covenant appurtenant to Lots 37-38, Block 3, Sunnyside Addition to the Town of Grand Lake and shall run with the land up until a point that the entire Tram has been removed from the Property and shall be recorded with the Grand County Clerk and Recorder's Office at the sole cost of the Property owner.

7. This agreement shall be binding on the parties hereto, their heirs, successors, and assigns.

8. This agreement may be amended by mutual written consent.

IN WITNESS WHEREOF, the said parties have hereto set their hands and seals the day and year first above written.

THE TOWN OF GRAND LAKE:

ATTEST:

BY:

BY:

Steve Kudron, Mayor

Alayna Carrell, Town Clerk

(SEAL)

OWNERS: PETER AND BRENDA
PLOWSHAY

BY:

Peter Plowshay

BY:

Brenda Plowshay

This foregoing instrument was acknowledged before me this ____ day of ____, 2024 by Steve Kudron as Mayor and Alayna Carrell as Town Clerk for the Town of Grand Lake.

Witness my hand and official seal:

(seal)

Notary Public

My Commission Expires:

Address:

This foregoing instrument was acknowledged before me this ____ day of ____, 2024 by Peter Plowshay.

Witness my hand and official seal:

(seal)

Notary Public

My Commission Expires:

Address:

This foregoing instrument was acknowledged before me this ____ day of ____, 2024 by Brenda Plowshay.

Witness my hand and official seal:

(seal)

Notary Public

My Commission Expires:

Address:
