

RESOLUTION NO. 011-2016

**A RESOLUTION THE BOARD OF TRUSTEES OF THE TOWN OF CRESTONE,
COLORADO ALLOWING CRESTONE BREWING COMPANY, LLC, POSSESSION AND
CLOSURE OF THE TOWN PARK FOR ITS PROMOTIONAL
BUSINESS OPENING**

WHEREAS, Crestone Brewing Company, LLC, (Brew Pub) has requested that the Town Board of Trustees of the Town of Crestone allow the Brew Pub to host a promotional opening event of its facility by a temporary closure of the Town Park between noon (12:00 p.m.) and nine (9:00 p.m.) on June 25, 2016; and

WHEREAS, the town park is immediately adjacent to the property of the Crestone Brewing Company; and

WHEREAS, the Colorado State Liquor Rules (Regulation 47-302 (B)(2) allow the possession by the licensee of altered or modified premises by "ownership, lease or other arrangements;" and

WHEREAS, the Town Board of Trustees (Town Board) desires to encourage new businesses, serving the public interest into the Town and deems the proposal of a "brew pub" as a positive aspect to the business and recreational resources of the town; and

WHEREAS, the Town Staff has communicated with the State of Colorado, Department of Revenue, Liquor Enforcement Division regarding the legal requirements concerning the hosting of such an event; and

WHEREAS, the Brew Pub is currently operating under its Hotel Restaurant License from the State of Colorado and has applied for a brew pub license and ~~expects~~ ^{seeks} to receive the same by the described event date;

NOW THEREFORE, be it resolved by the Town Board of Trustees of the Town of Crestone:

1. The Town park, as described in shaded area on attached Exhibit A, is hereby closed to the general public between the hours of twelve noon (12:00 p.m.) and nine (9:00 p.m.) on June 25, 2016, and possession is granted of such property to Crestone Brewing Company for its promotional event.
2. Crestone Brewing Company shall ensure that it holds a valid Brew Pub license from the State of Colorado and any applicable Federal license or permit before sale or distribution of any products allowed by "Brew Pub" license. Otherwise, Crestone Brewing Company will be confined to those beverages allowed by its Hotel Restaurant (HR) license.
3. Crestone Brewing Company will ensure that no alcoholic beverages are sold or purchased by persons under the age of 21, or others who are excluded under the provisions of the Colorado Liquor Code, within the Town park property and that no alcoholic beverages are removed from the boundaries

of the park property and will designate the boundaries of the park hereby leased with tape or appropriate markings within the time period specified in this resolution to prevent unauthorized persons entering the premises. Crestone Brewing Company shall be responsible for its own security measures and crowd control to ensure the adherence to state statutes in the Colorado Liquor Code and all applicable ordinances of the Town of Crestone.

4. If Crestone Brewing Company installs any temporary stage or other structures in the park, it will promptly remove the same immediately after the scheduled event and will be responsible for immediate cleanup of the park and restoration of the same to at least the same condition as that prior to its occupancy.
5. Crestone Brewing Company shall make application for the modified premises possession to the State Department of Revenue through application filed with the Town Clerk on form DR 8442, together with the State required application fee of \$300 at least 20 days prior to the requested event.
6. Crestone Brewing Company as a condition of approval of the terms of this resolution by the Town Board, hereby releases, holds harmless and agrees to indemnify the Town of Crestone from any and all claims and liability which may be made against the Town as a result of granting possession of the town park during the specified event as described in this resolution.

DONE and SIGNED this 9th day of May, 2016.

Attest:

Allyson Ransom
Allyson Ransom, Town Clerk

Kairina Danforth
Kairina Danforth, Mayor

Approved by Crestone Brewing Company, LLC

DAVID CARLBERG
Managing Member