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Grand Park lawsuit against Fraser gets OK to set hearing

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A judge dismissed Grand Park's request to implement a temporary restraining order against Fraser, but will allow the developer to move forward with a hearing to determine whether the town owes the development damages in a dispute over an Elk Creek Conservation Easement.

Grand Park sued Fraser in August, alleging damages from town's decision to pause the development's entitlements, including building permits, certificates of occupancy and construction plat approval.

In response, Fraser filed a motion asking the court to dismiss Grand Park's lawsuit on the grounds that the town was following the remedies both parties agreed to under the annexation agreement.

"Plaintiffs have the power to relieve themselves of the restrictions simply by granting the conservation easement they agreed to provide in the Annexation Agreement," Fraser's response reads.

On Aug. 17, Grand County District Judge Mary Hoak ruled in a motion against granting a temporary protection order due to a lack of evidence that Grand Park was facing immediate damages. However, the judge granted a forthwith hearing to discuss the claims in Grand Park's suit.

"Based on the plaintiffs' motion, the court believes irreparable injury, loss, or damage may ultimately occur to the plaintiffs," Hoak wrote in her motion.

The hearing is supposed to be scheduled within two and a half weeks from the judge's Aug. 17 motion, but nothing is currently on the books. Hoak also indicated she may send Grand Park and Fraser to mediation ahead of the hearing.

Fraser stopped providing entitlements for the Grand Park development on July 21 after the town declared the development in default of its annexation agreement with the town, which requires a conservation easement over an unspecified area of Elk Creek and Cozens Meadows.

In March 2020, an easement for 17.7 acres of Elk Creek Meadow was filed by Grand Park that stated it fully satisfied the conservation easement required by the annexation agreement.

The easement had been signed by Mayor Philip Vandernail, but later conversations revealed that the easement hadn't been properly approved by the town's attorney.

The town declared that easement null and void due to the approval issue, but Grand Park maintains the easement is still valid.