

PLAT APPLICATION

NARRATIVE

July 24, 2019

Owner: Brad T. Burns and Betsy D. Burns

Property:

A tract of land situated in the Southwest 1/4 of the Southeast 1/4 of Section 4, and the Northwest 1/4 of the Northeast 1/4 of Section 9, Township 42 North, Range 9 West of the New Mexico Principal Meridian being more fully described as follows:

BEGINNING at the Center South 1/16 corner of said Section 4;
Thence South 88 ° 32'02" East a distance of 894.28 feet;
Thence South 02 ° 13'16" East a distance of 327.37 feet;
Thence South 52 ° 21'05" East a distance of 259.78 feet;
Thence South 02 ° 24'22" East a distance of 416.97 feet;
Thence South 01 ° 02'50" West a distance of 682.94 feet;
Thence North 88 ° 26'15" West a distance of 1150.36 feet;
Thence North 00 ° 50'02" East a distance of 90.11 feet;
Thence North 01 ° 05'42" East a distance of 171.00 feet;
Thence North 74 ° 07'32" West a distance of 6.59 feet;
Thence North 01 ° 29'23" East a distance of 1314.35 feet to the POINT OF BEGINNING,

TOGETHER WITH an easement for ingress and egress and for any and all utilities from the terminus of each utility to the above described property, and from access Tract A2-F26 to the above described property, County of San Miguel, State of Colorado.

The Owner has submitted its form application with the Town of Mountain Village seeking to plat the property as currently configured. The Property contains 39.32 acres of land. The Property was annexed into the Town in 1993 as part of a land exchange with the USFS, but, apparently, was not formally platted in the Mountain Village at the time of the annexation. Because the Property contained more than 35 acres of land, it was exempt from platting requirements under state law. The Property has sometimes been referred to as "Lot 388", notwithstanding its status as unplatted property.

The Property is located along the southwesterly edge of the Mountain Village, adjoining the Marmot ski run to the east, the Telluride Ski Ranches subdivision (located outside of the municipal boundaries of the Town and within the unincorporated boundaries of San Miguel County) to the west, Lot 387R1, Mountain Village to the south and Lot 420R, Mountain Village to the north.

The Property is improved with a single-family residence. The zoning allows the future development of an accessory dwelling unit and other accessory structures. The Property and improvements are accessed an existing driveway and tunnel located on an access easement over TSG Open Space Tract OSP-388, which then is located over Access Tract A2-F28, which in turn extends to and connects with Snowfield Drive.

The Application does not propose to change the zoning or density of the Property or to create any new developable parcels, beyond the existing parcel constituting the Property. This application is meant to formalize the platting status of the Property, in furtherance of the current requirements of the Mountain Village Community Development Code. All existing development occurring on the Property complied with applicable design review and other review requirements of the Mountain Village Land Use Ordinance and Design Guidelines.

At the time that the USFS land exchange was being completed and its development in the Mountain Village was being considered, to address concerns introduced by the Ski Ranches and the Goodman family (owners of a lot in the Ski Ranches), The Telluride Company, the Ski Ranches and the Goodman family entered into an agreement establishing certain use restrictions on portions of the Property (“**Ski Ranches/Goodman Agreement**”) and adjoining property to the south (Lot 376RA and Lot 387R1). At the outset the Owner confirms that the proposed development of the Property conforms to the use restrictions established in the Ski Ranches/Goodman Agreement. The Owner will have all rights to use and develop the portions of Lot 388 located outside of the restricted portions of the Property for all uses and activities allowed in the Single-Family Residential zone pursuant to the Community Development Code, subject to applicable town laws and regulations. The Ski Ranches/Goodman Agreement also established certain recreational easement/usage rights on certain portions of the Property, which are not being adjusted or otherwise changed by this Plat

The Plat establishes 16’ General Easement along the perimeter of the Property, which are being granted to the Town for utilities.

Compliance with the Community Development Code. The Plat complies with all applicable standards of CDC, including Section 17.4.13. Of note, the Owner contends as follows:

- The Plat is in general conformance with the Comprehensive Plan for the following reasons:
 - It preserves the residential density assigned to the Property.
 - The resulting lot size and configuration conforms to the historic boundaries of the Property since its annexation into the Town
 - The proposed subdivision of the Property is consistent with the Zoning and Land Use Regulations.
- The Plat does not contemplate or propose any rezoning or density transfer with respect to the Property.
- The Plat is consistent with the Subdivision Regulations. In particular:
 - The residential lots both front directly to the Access Tract, with sufficient frontage.
 - The Lot is served by a private driveway. shared access driveway designed to Town road standards, which is being reviewed
 - The lot, as laid out, will continue to contain a sufficient area to suitably accommodate the existing development activities.
 - A Fire Protection sprinkler system has been installed in the residence.
 - The existing residence will be continue to be served by water, sewer and other utilities.
 - There are adequate public facilities serving the proposed development of the Property.
- The Plat is consistent with the public health, safety and welfare, as well as the efficient and economical use of the Property.
 - The continuing use and development of Property to serve the existing development on the Property conform to the requirements of the CDC.
- The Platting of Lot 388 will not create vehicle or pedestrian circulation hazards or cause parking, trash or special delivery congestion.
 - The Property is at the edge of the Town and abuts the Telluride Ski Ranches; no through roads are necessary to provide access to other platted lots in the Mountain Village. The 16’ General Easement has been granted to the Town should utility extensions be required to extend through the Property.

The following documents are being submitted with the Town prescribed form Applications for the Rezone/ Subdivision Application and this Narrative.

Table of Submitted Materials

Exhibit	Document
A	Proof of Ownership/Title Report
B	Owner Authorization/Agency Letter
C	Vicinity Map
D	Copy of [draft] Plat
E	Existing Conditions Mapping

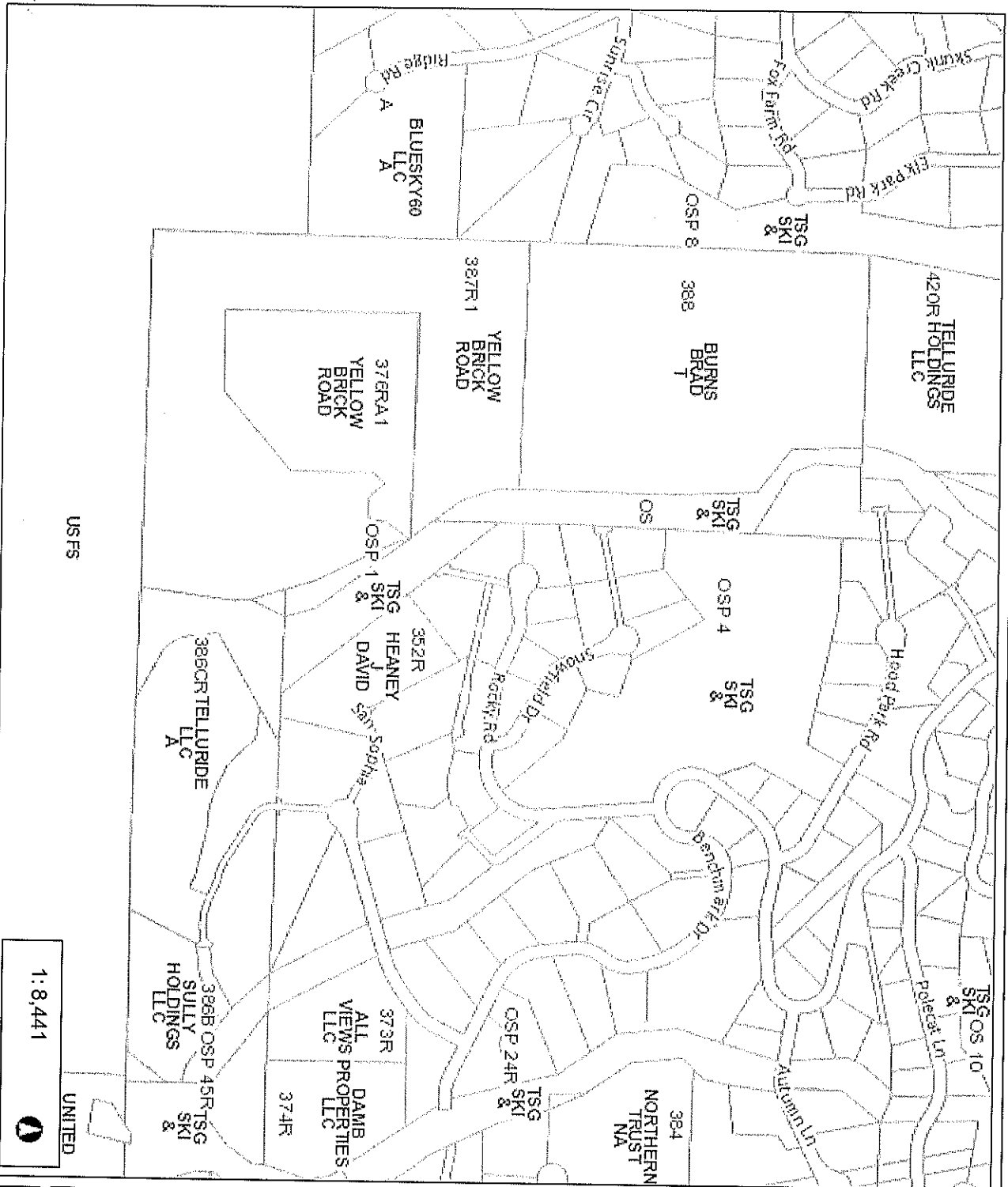
The Owner looks forward to presenting this information to the Town Council and DRB during the upcoming noticed meetings and hearings.

Sincerely

By: Brad T. Burns
Brad T. Burns

By: Betsy D. Burns
Betsy D. Burns

EXHIBIT B



USFS

UNITED

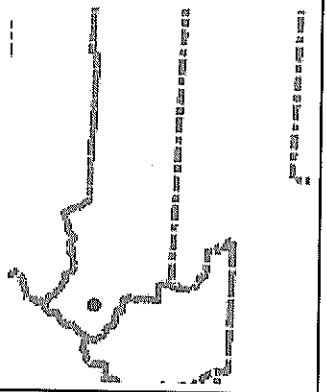
1 : 8,441









This map is a user-generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

www.sanmiguelcounty.co.gov



- Legend**
-  Owner Names
 -  Lot Numbers
 -  Parcel Boundaries
 -  Roads
 -  County Boundaries

Map Generated
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Notes

Legend
○ Lot 388



3000 FT

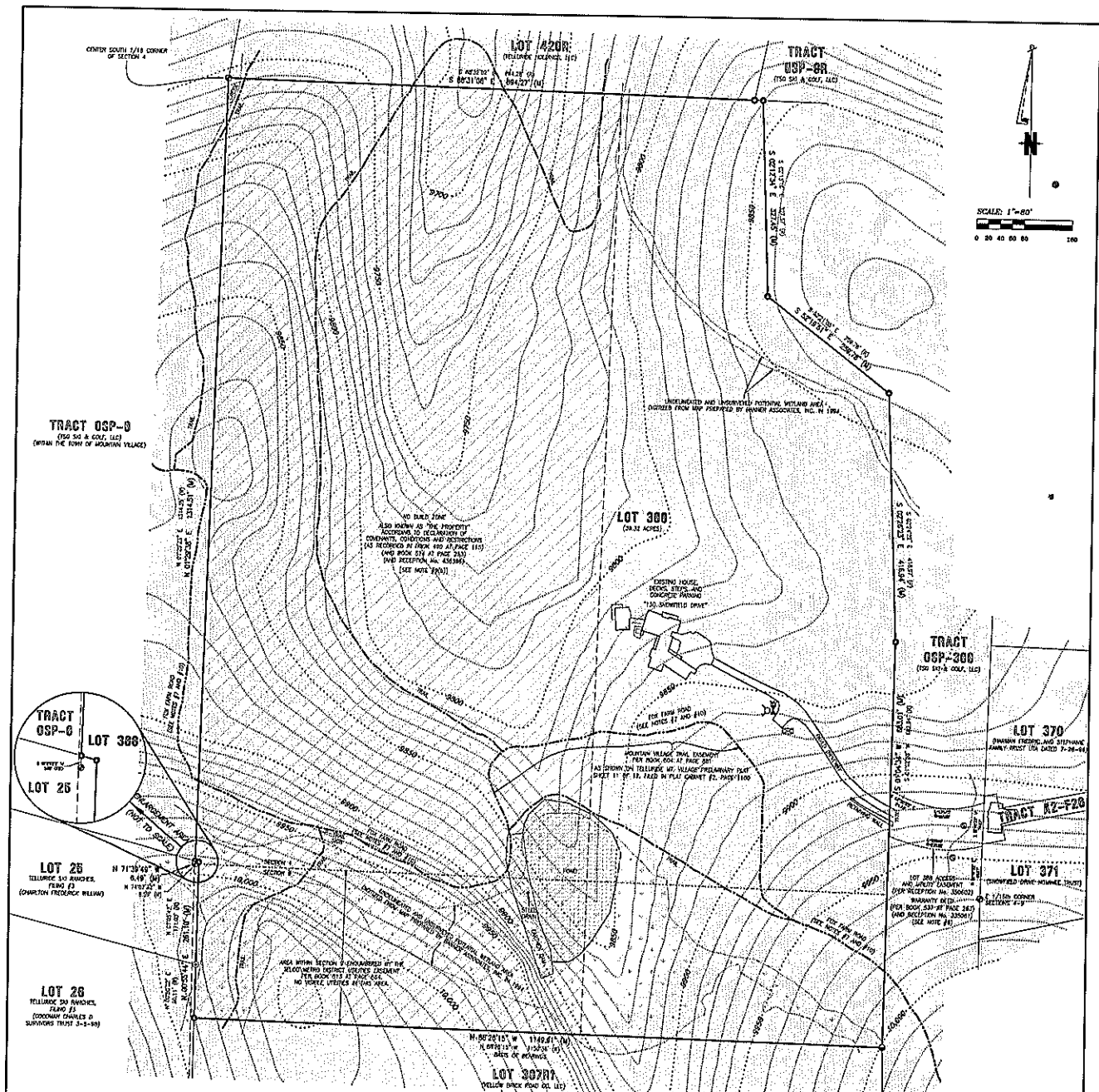


Vicinity Map
at 388, Town of Mountain Village.

oglearth

EXHIBIT D

EXHIBIT E

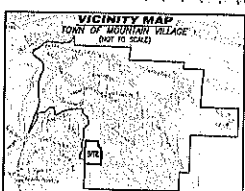


LEGEND

- FOUND 3-1/4" ALUMINUM CAP ON 2-1/2" ALUMINUM PIPE, B.L.M.
- FOUND 1-1/2" ALUMINUM CAP ON NO. 5 REBAR, L.S. 21914
- FOUND 1-1/2" ALUMINUM CAP ON NO. 5 REBAR, L.S. 21954
- FOUND 1-1/2" ALUMINUM CAP ON NO. 5 REBAR, L.S. 21912
- FOUND 1-1/2" ALUMINUM CAP ON NO. 5 REBAR, L.S. 20632
- (M) MEASURED OGDONOUS ACCORDING TO THIS SURVEY
- (R) RECORDED OGDONOUS ACCORDING TO DEED IN BOOK 537 AT PAGE 245

LEGEND

- W WATER VALVE
- V FIRE HYDRANT
- ES EASEMENT
- WALLE
- FOX FARM ROAD (SEE NOTE #1)
- TRAIL (SEE NOTE #1)
- NO BUILD ZONE



PROPERTY DESCRIPTION

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, AND IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 42 NORTH, RANGE 6 WEST OF THE NEW MEXICO PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER SOUTH 3/16 CORNER OF SAID SECTION 4; THENCE SOUTH 63 DEGREES 12 MINUTES 02 SECONDS EAST, A DISTANCE OF 694.28 FEET;

THENCE SOUTH 02 DEGREES 21 MINUTES 18 SECONDS EAST, A DISTANCE OF 327.37 FEET;

THENCE SOUTH 02 DEGREES 21 MINUTES 05 SECONDS EAST, A DISTANCE OF 325.79 FEET;

THENCE SOUTH 02 DEGREES 24 MINUTES 22 SECONDS EAST, A DISTANCE OF 416.87 FEET;

THENCE SOUTH 01 DEGREES 02 MINUTES 05 SECONDS WEST, A DISTANCE OF 682.94 FEET;

THENCE NORTH 02 DEGREES 24 MINUTES 15 SECONDS WEST, A DISTANCE OF 1150.38 FEET;

THENCE NORTH 02 DEGREES 50 MINUTES 02 SECONDS EAST, A DISTANCE OF 80.11 FEET;

THENCE NORTH 01 DEGREES 05 MINUTES 42 SECONDS EAST, A DISTANCE OF 171.00 FEET;

THENCE NORTH 74 DEGREES 07 MINUTES 32 SECONDS WEST, A DISTANCE OF 65.50 FEET;

THENCE NORTH 01 DEGREES 29 MINUTES 23 SECONDS EAST, A DISTANCE OF 1314.35 FEET TO THE POINT OF BEGINNING;

Lot 388 is also benefited by the following described easement rights and interests, which rights inure to the benefit of the Owner:

THOSE EASEMENT RIGHTS CREATED BY INSTRUMENT RECORDED OCTOBER 28, 1994 IN BOOK 437 AT PAGE 243 AS CORRECTED BY INSTRUMENT RECORDED JUNE 22, 2000 UNDER RECEPTION NO. 335051.

THOSE EASEMENT RIGHTS CREATED BY INSTRUMENT RECORDED AUGUST 1, 2002 UNDER RECEPTION NO. 350602.

- NOTES:**
1. Easement research and property description from Lead Title Guarantees Company, Order Number TL88004798-2, dated March 04, 2010 at 05:00 P.M.
 2. According to FEMA Flood Insurance Rate Map 06133C0208-C, Flood Number 0228 C, dated September 10, 1998, this parcel is within Zone X; Areas determined to be outside 500-year flood plain.
 3. Boundaries for this survey based on found monuments along the eastern boundary of said Lot 388, as shown hereon, assumed to have the record bearing of N 88°28'15" W.
 4. Lined units represented hereon are shown in U.S. Survey Feet or a decimal portion thereof.
 5. This survey is valid only if a print or electronic copy has a seal and signature of the surveyor noted within the statement above.
 6. The word certify on used hereon means an expression of professional opinion regarding the facts of this survey and does not constitute a warranty or guarantee, expressed or implied.
 7. Fox Farm Road is a historic route as shown on 1954 U.S.G.S. Topographic Quadrangle Maps and is shown for historical reference purposes and not for purposes of dedicating any land, right-of-way, or easement for public usage.
 8. The areas of wetlands depicted or described on this Plot are based upon historical information and does not constitute a binding delineation of wetlands on the Property; the Owner may elect to pursue a further delineation of wetlands for the Property and if the areas of the wetlands vary from the locations indicated on this Plot, the updated delineation shall control and not modification to this Plot is necessary or required.
 - 9(a). The Plot depicts a portion of Lot 388 which is affected by the terms and conditions of a certain "Goodman/Ski Ranches Agreement" recorded in Reception No. 276605, as amended by the instrument recorded in Reception No. 290300. Nothing herein is intended to modify or amend the rights and interests of persons or parties arising under the Goodman/Ski Ranches Agreement, nor shall anything herein expand, reduce or extinguish the nature, extent or location of any usage rights of the Property by persons or parties as provided for in the Goodman/Ski Ranches Agreement.
 - 9(b). The Owner agrees that with respect to the portion of Lot 370 and Lot 376A1 located within the "No Build Zone" as designated and depicted hereon it shall not develop any primary residence or necessary dwelling unit within the "No Build Zone".
 - 10(a). The Plot depicts a portion of Lot 388 which is affected by the terms and conditions of a certain "Mountain Village Trail Easement" recorded in Book 504, Page 281 and as shown on Sheet 11 of 12 of the Mountain Village Preliminary Plat recorded in Cabinet #2, Page 1100.
 - 10(b). Certain portions of the trails noted hereon are subject to the terms, conditions, provisions, burdens and obligations set forth in the portion of Fox Farm road location recorded October 04, 2000 under reception no. 337114, and as amended by the instrument recorded August 24, 2001 under reception no. 341070, and the portion of Fox Farm road location recorded October 16, 2001 under reception no. 344454.
 - 10(c). Nothing herein is intended to modify or amend the rights and interests of persons or parties arising under the Mountain Village Trail Easement, nor shall anything herein expand, reduce or extinguish the nature, extent or location of any usage rights of the Property by persons or parties as provided for in the Mountain Village Trail Easement.
 11. The Plot shows trails other than those discussed in note #10 which exist on Lot 388. Nothing herein is intended to constitute a dedication of such areas for public usage, nor is the depiction intended to establish and/or grant or convey any usage rights of such trails that are not otherwise specifically covered by other instruments that pertain to any such usage rights, if any.
 12. Contour Interval is ten feet.
 13. According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

SURVEYOR'S STATEMENT:

This Existing Conditions/Improvements Survey of Lot 388, Town of Mountain Village, was prepared in July of 2010 under the direct responsibility, supervision and checking of David R. Bullock of Foley Associates, Inc., being a Colorado Licensed Surveyor, in compliance with CFS § 39-21-106.

David R. Bullock L.S. 37662