



220 E. Colorado Ave. Ste. 217 (UPS and FedEx)  
P.O. Box 2603 (U.S. Mail)  
Telluride, CO 81435  
T (970) 708-0993  
F: (866) 485-8266  
[daniel@dzemkelaw.com](mailto:daniel@dzemkelaw.com)  
[www.dzemkelaw.com](http://www.dzemkelaw.com)

*Strong relationships. Reliable representation.*

November 3, 2017

**Via Email only to:**

Michelle Haynes, Planning Dept. Director  
Town of Mountain Village, CO  
455 Mountain Village Blvd.  
Mountain Village, CO 81435  
[mhaynes@mtnvillage.org](mailto:mhaynes@mtnvillage.org)

Re: Minor Subdivision Application and Density Transfer Application for Lot  
304 Town of Mountain Village, Colorado;

Dear Ms. Haynes:

This firm represents Telluvista, LLC, a Colorado limited liability company ("Telluvista") in all matters related to a request for a subdivision, lot line vacation and density transfer involving lot 304 in Town of Mountain Village. Telluvista is the owner of Lot 304, and the adjacent parcel, Lot 303R1 which transferred to Telluvista in August this year. Both lots are located at 313 Benchmark Drive (the "Telluvista Lots"). This letter shall serve as the narrative for Telluvista's application for these applications related to Lot 304.

Upon taking title to the Telluvista Lots, my client entered into discussions with the owners of Lot 305, Donald B. Smith, Jr. and Amy M. Smith in order to subdivide and vacate the lot line for Lot 304. A contract was entered into for this process shortly thereafter and executed by the parties. The Smith Law Firm, P.C. represents the owners of Lot 305.

Telluvista is requesting a vacation of the lot lines in Lot 304, that the lot be subdivided and portions of Lot 304 be transferred to the adjacent parcels Lot 303R1 and Lot 305, all of which is set forth in the proposed replat attached hereto as **Exhibit A**. Telluvista makes this request in order to protect view corridors and guard against further development on either side of the parties' current residences. Upon completion of the process, the lots will be designated as Lot 303R2 for Telluvista, and Lot 305R for the Smiths. Records for the Town of Mountain Village further demonstrate that there is zoning density of one (1) unit single family residential attached to Lot 304, comprising of 4 persons. This density unit shall remain the name and possession of Telluvista after this process and transferred into the Density Bank of the Town of Mountain Village, pursuant to Community Development Code ("CDC") at Section 17.3.8 and Section 17.4.10(D)(2) as to criteria met for the decision. A covenant agreement shall also be entered into between the Smiths and Telluvista and recorded with San Miguel County Land Records for establishment of a no-build zone on portions of Lot 303R2 and Lot 305R as well. The no build zone is also designated on the proposed replat enclosed.

A review of the CDC at Section 17.4.13 allows for subdivision for lots within Town of Mountain Village. Specifically, Sections 17-4-13(E)(2) are met as this request conforms with the goals for the Town zoning and regulations, easements are not affected or shall be relocated and the pro-

posed subdivision meets all requirements and standards of the Town. There are no expected changes regarding access, or utilities to this lot, there will be no changes or affects upon drainage for the lots, fire protection, street improvements or additional facilities or structures upon any lots associated with this request. The parties understand that if further changes to their lot shall be the responsibility of that individual lot owner. The request made herein is in conformance with all zoning regulations, and community standards as set forth in the CDC.

As part of the process, enclosed please find the Minor Subdivision Application and the Rezoning and Density Transfer Application as required by the Town for this process, the title commitments for each of these lots, the proposed replat map and payment as required. You may recall that our pre-development meeting occurred on September 26, 2017 and also on October 27, 2017 with Mr. Bulson, of Foley & Associates, the firm that provided the maps and Exhibit A as part of this application.

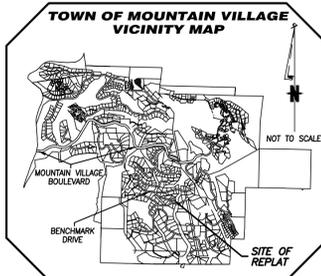
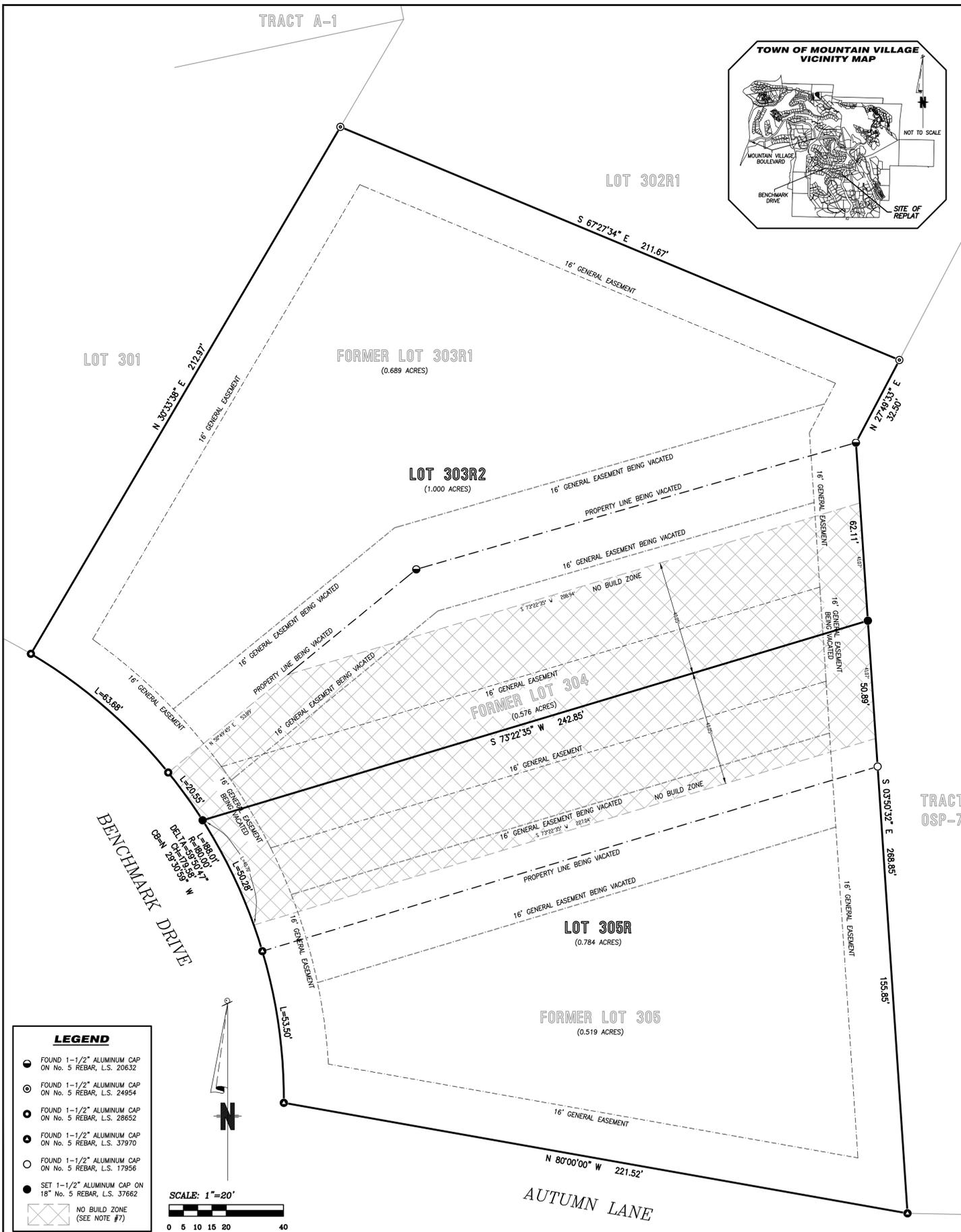
Please feel free to contact me with any questions, but in the meantime, Telluvista looks forward to working with the Mountain Village Planning Department regarding these applications.

Kind regards,

LAW OFFICE OF DANIEL T. ZEMKE, P.C.

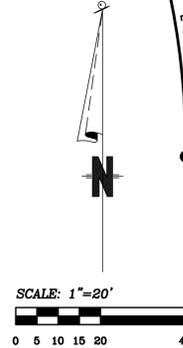
*/s/ Daniel Zemke, Esq.*

cc: Telluvista LLC  
Nate Smith, Esq.  
Dave Bulson, Foley & Associates



**LEGEND**

- FOUND 1-1/2" ALUMINUM CAP ON No. 5 REBAR, L.S. 20632
- FOUND 1-1/2" ALUMINUM CAP ON No. 5 REBAR, L.S. 24954
- FOUND 1-1/2" ALUMINUM CAP ON No. 5 REBAR, L.S. 28652
- FOUND 1-1/2" ALUMINUM CAP ON No. 5 REBAR, L.S. 37970
- FOUND 1-1/2" ALUMINUM CAP ON No. 5 REBAR, L.S. 17956
- SET 1-1/2" ALUMINUM CAP ON 18" No. 5 REBAR, L.S. 37662
- NO BUILD ZONE (SEE NOTE #7)



TRACT A-1

TRACT OSP-7

**Lot 303R2 and Lot 305R, Town of Mountain Village,**  
 A Replat of Lots 303R1, 304 and 305, Town of Mountain Village,  
 located within the SW1/4 of Section 3, T.42N., R.9W., N.M.P.M., County of San Miguel, State of Colorado.

**OWNERS CERTIFICATE**

KNOW ALL PERSONS BY THESE PRESENTS that  
 TELLUVISTA LLC, A Colorado limited liability Company,  
 being the owner of the following described land:

Lot 303-R1, Town of Mountain Village, according to the recorded replat filed 02-14-2005 in Plat Book 1 at page 3442, County Of San Miguel, State Of Colorado, and  
 Lot 304, Town of Mountain Village, according to the plat of Filing 10, Telluride Mountain Village recorded November 21, 1988 in Plat Book 1 at page 862, County of San Miguel, State of Colorado.

**AND THAT**

Donald B. Smith, Jr. And Amy M. Smith being the owners of the following described land:

Lot 305, Town of Mountain Village, according to the plat of Filing 10, Telluride Mountain Village recorded November 21, 1988 in Plat Book 1 at page 862, County of San Miguel, State of Colorado.

Have by these presents caused same to be laid out, platted and subdivided the same into lots, as shown on this plat under the name and style of LOT 303R2 AND LOT 305R, TOWN OF MOUNTAIN VILLAGE and, as Owners, do hereby agree upon the boundary lines as set forth hereon and do further grant, sell and convey to the other owners such of their real property as may lie on the other parties' side of the boundary lines set forth on this plat, and do hereby agree that the boundary lines shown on this plat are the boundary lines by agreement of adjoining owners pursuant to Colorado Revised Statutes sec. 38-44-112.

**OWNERS:**

Derek Kreunen, as \_\_\_\_\_ of TELLUVISTA LLC, A Colorado limited liability Company

Donald B. Smith, Jr.

Amy M. Smith

**ACKNOWLEDGMENT**

State of \_\_\_\_\_ )  
 County of \_\_\_\_\_ ) ss

The foregoing signature was acknowledged before me this day of \_\_\_\_\_, 20\_\_\_\_ A.D. by Derek Kreunen, as \_\_\_\_\_ of TELLUVISTA LLC, A Colorado limited liability Company

My commission expires \_\_\_\_\_  
 Witness my hand and seal.

Notary Public

**ACKNOWLEDGMENT**

State of \_\_\_\_\_ )  
 County of \_\_\_\_\_ ) ss

The foregoing signature was acknowledged before me this day of \_\_\_\_\_, 20\_\_\_\_ A.D. by Donald B. Smith, Jr.

My commission expires \_\_\_\_\_  
 Witness my hand and seal.

Notary Public

**ACKNOWLEDGMENT**

State of \_\_\_\_\_ )  
 County of \_\_\_\_\_ ) ss

The foregoing signature was acknowledged before me this day of \_\_\_\_\_, 20\_\_\_\_ A.D. by Amy M. Smith

My commission expires \_\_\_\_\_  
 Witness my hand and seal.

Notary Public

**EASEMENT VACATION:**

The undersigned, being the beneficiaries of record of those portions of land labeled as 16 foot General Easement (G.E.) as established on the property as shown hereon by the Plat of record filed in the Office of the Clerk and Recorder of San Miguel County, do hereby vacate and relinquish that portion of said easement as shown vacated on this plat.

M.C. Horning, Jr., Manager of TSG Ski & Golf, LLC, a Delaware Limited Liability company.

by \_\_\_\_\_ as \_\_\_\_\_ of the Town of Mountain Village.

by \_\_\_\_\_ as \_\_\_\_\_ of the Mountain Village Owner's Association, Inc.

**ACKNOWLEDGMENT:**

State of \_\_\_\_\_ )  
 County of \_\_\_\_\_ ) ss

The foregoing signature was acknowledged before me this day of \_\_\_\_\_, 2017 A.D. by M.C. Horning, Jr. as Manager of TSG Ski & Golf, LLC, a Delaware Limited Liability company.

My commission expires \_\_\_\_\_  
 Witness my hand and seal.

Notary Public

**ACKNOWLEDGMENT:**

State of \_\_\_\_\_ )  
 County of \_\_\_\_\_ ) ss

The foregoing signature was acknowledged before me this day of \_\_\_\_\_, 2017 A.D. by \_\_\_\_\_ of the Town of Mountain Village.

My commission expires \_\_\_\_\_  
 Witness my hand and seal.

Notary Public

**ACKNOWLEDGMENT:**

State of \_\_\_\_\_ )  
 County of \_\_\_\_\_ ) ss

The foregoing signature was acknowledged before me this day of \_\_\_\_\_, 2017 A.D. by \_\_\_\_\_ of Mountain Village Owner's Association, Inc.

My commission expires \_\_\_\_\_  
 Witness my hand and seal.

Notary Public

**TOWN OF MOUNTAIN VILLAGE APPROVAL:**

I, \_\_\_\_\_, as Mayor of the Town of Mountain Village, Colorado, do hereby certify that this Plat has been approved by the Town Council in the same resolution that has authorized and directed me to execute this document.

Mayor \_\_\_\_\_ Date \_\_\_\_\_

**TREASURER'S CERTIFICATE:**

I, the undersigned, Treasurer of the County of San Miguel, do hereby certify that according to the records of the San Miguel County Treasurer there are no liens against the subdivision or any part thereof for unpaid state, county, municipal or local taxes or special assessments due and payable, in accordance with Land Use Code Section 3-101.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

San Miguel County Treasurer

**SURVEYOR'S CERTIFICATE:**

I, David R. Bulson of Foley Associates, Inc., being a Colorado Licensed Surveyor, do hereby certify that this plat and survey of LOT 303R2 AND LOT 305R, TOWN OF MOUNTAIN VILLAGE was made by me and under my direct responsibility, supervision and checking, in compliance with the applicable provisions of Title 38, Article 51, C.R.S., and that both are true and accurate to the best of my knowledge and belief.

**DRAFT**

P.L.S. No. 37662 \_\_\_\_\_ Date \_\_\_\_\_

**NOTES:**

1. Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended.
2. Easement research and legal descriptions provided by Land Title Guarantee Company, Order Number TLR86007261-6, dated July 21, 2017 at 5:00 P.M. as to Lot 303R-1 and Lot 304, Order Number TLR86007539, dated October 5, 2017 at 5:00 P.M. as to Lot 305.
3. NOTES OF CLARIFICATION:
  - a. The Configuration of the following lots, tracts, and right-of-way have been modified by this plat: none
  - b. The following lots have been created by this plat: Lot 303R2 and Lot 305R
  - c. The following lots have been deleted by this plat: Lot 303R, Lot 304, and Lot 305
4. BASIS OF BEARINGS: The bearing between found monuments along the northwestern boundary of former Lot 303R, as shown hereon, assumed to have the record bearing of N 30°33'38" E according to Plat Book 1 at page \_\_\_\_\_.
5. Lineal Units represented hereon are shown in U.S. Survey Feet or a decimal portion thereof.
6. Mortgage's consent for Lot 305, Town of Mountain Village, is recorded at Reception No. \_\_\_\_\_.
7. No Build Zone according to the terms and conditions of the document recorded in reception number \_\_\_\_\_.
8. NOTICE: According to Colorado law, you must commence any legal action based upon 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.

**TITLE INSURANCE COMPANY CERTIFICATE:**

Land Title Guarantee Company does hereby certify that we have examined the title to all lands herein shown on this plat and that the title to this land is in the names of those persons shown in the Owners Certificate which is on the face hereof and is free of all liens and taxes, except as follows:

Title Insurance Company Representative \_\_\_\_\_

**RECORDER'S CERTIFICATE:**

This plat was filed for record in the office of the San Miguel County Clerk and Recorder on this \_\_\_\_\_ day of \_\_\_\_\_, 2017, at Page \_\_\_\_\_, Reception No. \_\_\_\_\_, Time \_\_\_\_\_.

San Miguel County Clerk

Project Mgr:	DB	Rev.	description	date	by
Technician:	MC	1	Changed No Build Zone to match Exhibit Rev. 1	10/12/2017	mc
Checked by:					
Start date:	10/05/2017				



970-728-6153 970-728-6050 fax  
 P.O. BOX 1385  
 125 W. PACIFIC, SUITE B-1  
 TELLURIDE, COLORADO 81435