

**RESOLUTION OF THE TOWN COUNCIL  
OF MOUNTAIN VILLAGE, RESOLUTION APPROVING A MINOR SUBDIVISION TO LOT  
166AR2-11 REDUCING THE NORTHERN GENERAL EASEMENT FROM 30 FEET TO 16  
FEET**

**RESOLUTION NO. 2018-0920-16**

- A. 11 Stonegate LLC, A TX LLC ("Owner") Of Record Of Real Properties Described As Lot 166AR2-11, Town Of Mountain Village, According To The Plat Recorded In The Office Of The Clerk And Recorder April 4, 2003 In Plat Book 1 At Page 3116, County Of San Miguel, State Of Colorado and Easement Rights Created in Easement Agreement (Driveway Installation and Access) Recorded April 4, 2003 Under Reception No. 356308 And As Amended In Instrument Recorded October 12, 2012 Under Reception No. 425122, County Of San Miguel, State Of Colorado.
- B. The Owner has authorized Tom Conyers to pursue the approval of the minor subdivision application to reduce the northern general easement from 30 feet to 16 feet ("Application").
- C. The Town Council approved the Minor Subdivision to modify the northern general easement along with evidence and testimony, at a public meeting on September 20, 2018.
- D. The Owners have addressed, or agreed to address, all conditions of approval of the Application imposed by Town Council.
- E. The Town Council finds that the minor subdivision meets the criteria for decision set forth in Section 17.4.13 of the CDC as follows:
  - 1. The lots resulting from the replat are in compliance with Town Zoning and Land Use Regulations and Subdivision Regulations;
  - 2. Subdivision access complies with Town standards and codes.
  - 3. Easements are not affected, or have been relocated to the satisfaction of the utility companies and/or the benefited party under the easement or, in the case of vacated easements, the easement is no longer necessary due to changed conditions, and the easement vacation has been consented to by the benefited party under the easement; and
  - 4. The proposed subdivision meets all applicable Town regulations and standards.

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES THE MINOR SUBDIVISION AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1) General Easement Encroachment Agreement at Reception No. 400064 be terminated concurrent with recordation of the amended minor subdivision plat.
- 2) The Applicant will submit appropriate fees to staff for recordation with the San Miguel County Assessor's office within six months of approval.
- 3) Staff will review the replat document to verify consistency with CDC Sections 17.4.13.N. Plat Standards, and CDC Section 3. Plat Notes and Certifications and provide redline comments to the applicant prior to execution of the final mylar.
- 4) Staff has the authority to provide ministerial and conforming comments on the mylar prior to recordation.

- 5) A new General Easement Encroachment Agreement be executed for retaining wall encroachments in the southern general easements.
- 6) A new Easement Encroachment Agreement will be executed for a portion of retaining walls in the no build area.

**Section 1. Resolution Effect**

- A. This Resolution shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the resolutions repealed or amended as herein provided and the same shall be construed and concluded under such prior resolutions.
- B. All resolutions, of the Town, or parts thereof, inconsistent or in conflict with this Resolution, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

**Section 2. Severability**

The provisions of this Resolution are severable and the invalidity of any section, phrase, clause or portion of this Resolution as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Resolution.

**Section 3. Effective Date**

This Resolution shall become effective on September 20, 2018 (the "Effective Date") as herein referenced throughout this Resolution.

**Section 4. Public Meeting**


A public meeting on this Resolution was held on the 20<sup>th</sup> day of September 2018 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

**Approved** by the Town Council at a public meeting held on September 20, 2018.

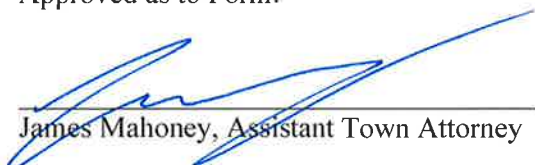
**Town of Mountain Village, Town Council**

By:   
Laila Benitez, Mayor

**Attest:**

By:   
Jackie Kennefick, Town Clerk

Approved as to Form:

  
James Mahoney, Assistant Town Attorney