

**RESOLUTION OF THE TOWN COUNCIL
OF MOUNTAIN VILLAGE, RESOLUTION APPROVING A MINOR SUBDIVISION TO
REPLAT LOTS 303R1, 304 AND 305 INTO LOTS 303R2 AND 305R**

RESOLUTION NO. 2018-0118-02

- A. Telluvista, A Limited Liability Company And Donald And Amy Smith ("Owners") Of Record Of Real Properties Described As Lots 303R1, 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; Lot 304, Town Of Mountain Village, According To The Plat Filed In Plat Book 1 At Page 2281, And According To The Town Of Mountain Village Official Lot List, Recorded In Book 586 At Page 548, County Of San Miguel, State Of Colorado And Lot 305, Telluride Mountain Village, Filing 10, According To The Plat Recorded On November 21, 1988 In Plat Book 1 At Page 862, County Of San Miguel, State Of Colorado.
- B. The Owner has authorized the Law Offices of Daniel Zemke to pursue the approval of the minor subdivision application to replat Lots 303R1, 304 and 305 into Lots 303R2 and 305R ("Application").
- C. The Town Council approved the Minor Subdivision to replat the properties into Lots 303R2 and 305R along with evidence and testimony, at a public meeting on January 18, 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. The proposed subdivision is in general conformance with the goals, policies and provisions of the Comprehensive Plan because the lots and the surrounding area will remain single-family in nature, the densities remain low consistent with single family zoning, and the properties will otherwise look and feel the same;
 - 3. Subdivision access complies with Town standards and codes.
 - 4. 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
 - 5. 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) The Applicant will submit appropriate fees to staff for recordation with the San Miguel County Assessor's office within six months of approval.
- 2) Execute an encroachment agreement for the retaining wall shown on the existing conditions map for Lot 303R1 (replat property 303R2) in the north general easement.
- 3) Void the encroachment agreement for lot 305 at reception number 444697 for a drywell as it will no longer encroach into the general easement.

- 4) 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.
- 5) Applicant receives approval from the Town Council for the associated rezone and density transfer.
- 6) Staff has the authority to provide ministerial and conforming comments on the mylar prior to recordation.

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 January 18, 2018(the "Effective Date") as herein referenced throughout this Resolution.

Section 4. Public Meeting

A public meeting on this Resolution was held on the 18th day of January 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 January 18, 2018.

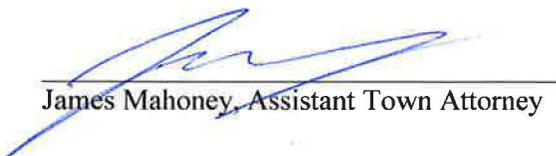
Town of Mountain Village, Town Council

By: 
Laila Benitez, Mayor

Attest:

By: 
Jackie Kennefick, Town Clerk

Approved as to Form:


James Mahoney, Assistant Town Attorney