

**RESOLUTION OF THE TOWN COUNCIL
OF MOUNTAIN VILLAGE, APPROVING A MINOR SUBDIVISION FOR SEE
FOREVER PLAZA III – REPLAT NO. 3**

Resolution No. 2017-0216-05

RECITALS

- A. SFV Mountain View, LLC, a Colorado limited liability company, being the fee simple owner of Lot 105R1, See Forever Plaza III, according to the plat recorded in Plat Book 1 at Pages 3908-3910, County of San Miguel, State of Colorado.
- B. The Town of Mountain Village, a home rule municipality and political subdivision of the State of Colorado, being the fee simple owner of Tracts OS3J and OS3L, See Forever Plaza III, Replat No. 1 according to the plat recorded in Plat Book 1 at Pages 3039-3042, County of San Miguel, State of Colorado.
- C. The Owners have authorized Chris Hawkins with Alpine Planning LLC to pursue the approval of the minor subdivision application to expand Lot 105R-1 by 0.012 acres and reduce Tracts OS3J and OS3L by 0.013 acres (“Application”).
- D. The Application is in compliance with the provisions of the Subdivision Regulations contained in Community Development Code (“CDC”) Section 17.4.13.
- E. The proposed minor subdivision will vacate a portion of the lot lines of Tract OS3L, Tract OS3J and Lot 105R1 where Lot 105R1 increases in size and the Metro Services Perimeter Easement, Telski Perimeter Easement Agreement, Metro District Sunny Ridge Place Easement Agreement and the Mt. Wilson Lodge Access Easement and Agreement will be amended accordingly and recorded by separate instruments.
- F. The Town Council considered this application, along with evidence and testimony, at a public meeting held on February 16, 2017.
- G. The Owners have addressed, or agreed to address, all conditions of approval of the Application imposed by Town Council.
- H. 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 adjustment or vacation are in compliance with Town Zoning and Land Use Regulations and Subdivision Regulations, because without limitation the lot area, zoning or zoning designations, open space and the lot coverage have been amended through the PUD Major Amendment, Rezoning and Density Transfer applications approved by Ordinance No. 2017-02;

2. The proposed subdivision is in general conformance with the goals, policies and provisions of the Comprehensive Plan because the lot and the surrounding area will remain consistent with the Village Center Subarea Plan;
3. Subdivision access is in compliance with Town standards and codes that were in effect at the time of the development of Lot 105R1;
4. General Easements and setbacks 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, because without limitations the General Easements are not being affected by this minor subdivision; 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 work with staff to complete this Resolution and replat for Town Council and submit appropriate fees to staff for recordation with the San Miguel County Assessor's office within six months of approval, and after the recordation of Ordinance No. 2017-02.

Be It Further Resolved that Lot 105R1 and Tracts OS3J and OS3L may be replatted as submitted in accordance with Resolution No. 2017-0216-05

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 February 16, 2017 (the "Effective Date") as herein referenced throughout this Resolution.

Section 4. Public Meeting


A public meeting on this Resolution was held on the 16th day of February, 2017 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

Approved by the Town Council at a public hearing held on February 16, 2017.

Town of Mountain Village, Town Council

By: 
Dan Jansen, Mayor

Attest:

By: 
Jackie Kennefick, Town Clerk

Approved as to Form:


James Mahoney, Assistant Town Attorney