

**RESOLUTION OF THE TOWN COUNCIL
OF MOUNTAIN VILLAGE, RESOLUTION APPROVING A MINOR SUBDIVISION TO
APPROVE THE LOT 319R AND 321R REPLAT**

Resolution No. 2016-1117-18

RECITALS

- A. Bert and Christine Von Roemer and The Wilson-Strauss Trust U/D/T 12/8/92 are the owners ("Owners") of record of real property described as Lot 319, 320 and 321, Telluride Mountain Village, Filing 8 according to the plat recorded February 19, 1988 in Plat Book 1 at Page 797, County of San Miguel, State of Colorado.
- B. The Owners have authorized W. Herbert McHarg, Esq. with 100th Meridian Law Group to pursue the approval of the minor subdivision application to create new Lots 319R and 321R ("Application").
- C. The Application is in compliance with the provisions of the Subdivision Regulations contained in Community Development Code ("CDC") Section 17.4.13.
- D. The proposed minor subdivision will vacate the common lot lines and general easements between the lots and split Lot 320 and dedicate new general easements adjacent to the new property line as depicted on the Lot 319R and 321R Replat.
- E. The Town Council considered this application, along with evidence and testimony, at a public meeting held on November 17, 2016.
- F. The Owners have addressed, or agreed to address, all conditions of approval of the Application imposed by Town Council.
- G. 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 and zoning or zoning designations are not changing, open space is not being impacted, and the lot coverage will remain unchanged;
 - 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 primarily single-family in nature;
 - 3. Subdivision access is in compliance with Town standards and codes that were in effect at the time of the development of Lot 147A;
 - 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.

Be It Further Resolved that Lots 319, 320 and 321 may be replatted as submitted in accordance with Resolution No. 2016-1117-18

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

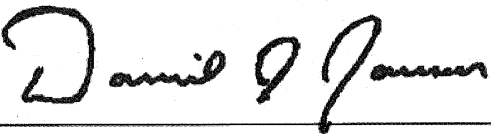
This Resolution shall become effective on November 17, 2016 (the "Effective Date") as herein referenced throughout this Resolution.

Section 4. Public Meeting

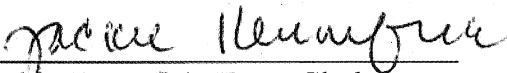
A public meeting on this Resolution was held on the 17th day of November, 2016 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

Approved by the Town Council at a public meeting held on November 17, 2016.

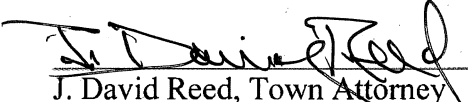
Town of Mountain Village, Town Council

By: 
Dan Jansen, Mayor

Attest:

By: 
Jackie Kennefick, Town Clerk

Approved as to Form:


J. David Reed, Town Attorney