

**RESOLUTION OF THE TOWN COUNCIL
OF MOUNTAIN VILLAGE, RESOLUTION APPROVING A MODIFICATION TO AN
APPROVED MINOR SUBDIVISION TO ADJUST LOT LINES BETWEEN LOTS 387R AND
376RA**

RESOLUTION NO. 2016-0818-11

- A. Yellow Brick Road CO, LLC is the owner ("Owner") of record of real property described as Lots 376RA, 387R, Access Tract A-376R, according to the Lot Line Adjustment Plat of Lots 376R, 387, Access Easement AE-376 and Access Tract A-376, The Town of Mountain Village, recorded January 14, 2005 in Plat Book 1 at page 3427, County of San Miguel, State of Colorado and as amended by the Correction Plat of Lots 376RA, 387R, Access Tract A-376R, Town of Mountain Village, recorded March 4, 2014 in Plat Book 1 at page 4634, County of San Miguel, State of Colorado.
- B. The Owner has authorized Law Offices of Thomas G. Kennedy to pursue the approval of the minor subdivision application to adjust the lot line between Lots 387R and 376RA ("Application").
- C. The Town Council approved the Minor Subdivision To Adjust Lot Lines Between Lot 387R and Lot 376RA, along with evidence and testimony, at a public meeting May 19, 2016. The approved plat was not signed or recorded.
- D. An Application has been filed to modify this approved Minor Subdivision that is in compliance with the provisions of the Subdivision Regulations contained in Community Development Code ("CDC") Section 17.4.13.
- E. The proposed modification will adjust the lot line between new Lots 376RA1 and 387R1. Access Tract A-376R remains the same.
- F. The Town Council considered this Application, along with evidence and testimony, at a public meeting held on August 18, 2016.
- G. The Owners have addressed, or agreed to address, all conditions of approval of the Application imposed by Town Council.
- H. Resolution 2016-0519-07, adopted by Town Council on May 19, 2016, is hereby replaced and superseded by this resolution.
- I. 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 subdivision area and 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 lots and the surrounding area will remain single-family in nature;

3. Subdivision access is in compliance with Town standards and codes unless specific variations have been granted in accordance with the variance provisions of this CDC. The Design Review Board approved variations regarding the slope of the access road and use of retaining walls at their May 5, 2016 meeting;
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.

Be It Further Resolved that Lots 387R and 376RA may be replatted as submitted in accordance with Resolution No. 2016-0818-11.

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 August 18, 2016 (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 August, 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 August 18, 2016.



Town of Mountain Village, Town Council

By: *Daniel J Jansen*
Dan Jansen, Mayor

Attest:

By: *Jackie Kenefick*
Jackie Kenefick, Town Clerk

Approved as to Form:

James Mahoney
James Mahoney, Assistant Town Attorney