

**RESOLUTION TO AMEND THE DECLARATION OF CONDOMINIUM HOTEL
COVENANTS AND RESTRICTIONS FOR HOTEL MADELINE**

Resolution No. 2015-0219-04

RECITALS:

- A. The Town Council of the Town of Mountain Village (“Town Council”) granted approval for a Final PUD Plan for Lots 50A, 50B, 50C, 51 , OS-3, OS-3C (“Final PUD Plan Approval”) as set forth in Resolution 2004-0318-02 recorded at Reception No. 366172 (“Resolution 2004-0318-02”) in the records of the San Miguel County Clerk and Recorder (“Public Records”).
- B. Pursuant to the Final PUD Plan Approval as amended, Lots 50A, 50B, 50C, 51, OS-3, OS-3C have been replatted into Lot 38-50-51R in accordance with the replat recorded in Plat Book 1 at Page 3566 in the Public Records (“Property”).
- C. Madeline Property Owner, LLC, (“Owner”) is the fee title owner of the majority of the Property.
- D. In connection with the development of the Property, a Declaration of Condominium Hotel Covenants and Restrictions was recorded against the Property at Reception No. 384750 (“Hotel Covenant”) relating to the operation of Property. Such Hotel Covenant was amended by the Town Council in August of 2013 and recorded at Reception No. 430163 in the Public Records (the “Second Amended and Restated Hotel Covenant”).
- E. Owner has applied to the Town to eliminate the requirement that all efficiency lodge units after sales to third parties participate in the hotel’s rental program and to replace this requirement with certain restrictions on use and occupancy as set forth in the 2015 Amended and Restated Declaration of Condominium Hotel Covenants and Restrictions (the “Hotel Deed Restriction”) attached hereto as Exhibit A.
- F. The amendments to the Hotel Deed Restriction are not one of the required community purposes underlying the Final PUD Plan Approval, and are not required by any condition of the Final PUD Plan Approval as amended.

Now, Therefore, Be It Resolved that the Town Council hereby approves an amendment to the Hotel Covenant as set forth in Exhibit A, subject to the following:

Section 1. Recital Incorporation

The foregoing recitals are incorporated herein by reference.

Section 2. 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and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the resolutions repealed or amended as herein provided and the same shall be construed and concluded under such prior resolutions.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 3. 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 4. Effective Date

This Resolution shall become effective on February 19th, 2015 (“**Effective Date**”) as herein referenced throughout this Resolution.

Section 6. Public Meeting

A public meeting on this Resolution was held on the 19th day of February, 2015, in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

Approved by the Town Council at a public meeting on February 19, 2015.

Town of Mountain Village, Town Council

Daniel J Jansen

By: _____
Dan Jansen, Mayor

Attest:

Jackie Kennefick

By: _____
Jackie Kennefick, Town Clerk

Approved As To Form:

Jim Mahoney

Jim Mahoney, Assistant Town Attorney

