

**RESOLUTION OF THE TOWN COUNCIL  
OF MOUNTAIN VILLAGE, RESOLUTION APPROVING A MINOR SUBDIVISION TO  
VACATE AND RELOCATE THE GENERAL EASEMENT AND ESTABLISH BUILDING  
SETBACKS ON LOT 147A**

**RESOLUTION NO. 2015-0423-09**

- A. James and Cynthia A. McMorran is the owner ("Owner") of record of real property described as Lot 147A, Filing 1 and Town of Mountain Village.
- B. The Owner has authorized Law Offices of Thomas G. Kennedy to pursue the approval of the minor subdivision application to vacate and relocate the general easement and establish building setbacks on Lot 147A ("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 adjust the general easement and establish building setbacks as depicted on the replat for Lot 147A.
- E. The Town Council considered this Application, along with evidence and testimony, at a public meeting held on April 23, 2015.
- 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 shall revise the plat certifications and notes to meet the requirements of the CDC prior to recordation.
2. Prior to recording the plat, the applicant shall execute and record a revocable encroachment agreement for the existing retaining walls in the western general easement, and add a plat note referring to such agreement.
3. 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 147A may be replatted as submitted in accordance with Resolution NO. 2015-0423-09

**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 April 23, 2015 (the "Effective Date") as herein referenced throughout this Resolution.

**Section 4. Public Meeting**

A public meeting on this Resolution was held on the 23<sup>rd</sup> day of April, 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 held on April 23, 2015.



**Town of Mountain Village, Town Council**

By: *Daniel J. Jansen*  
Dan Jansen, Mayor

Attest:

By: *Jackie Kennefick*  
Jackie Kennefick, Town Clerk

Approved as to Form:

*[Signature]*  
James Mahoney, Assistant Town Attorney