

**TOWN OF MOUNTAIN VILLAGE  
DESIGN REVIEW BOARD REGULAR MEETING  
THURSDAY JUNE 4, 2015, 10:00 AM  
2nd FLOOR CONFERENCE ROOM, MOUNTAIN VILLAGE TOWN HALL  
455 MOUNTAIN VILLAGE BLVD, MOUNTAIN VILLAGE, COLORADO  
AGENDA**

	<b>Time</b>	<b>Min.</b>	<b>Presenter</b>	<b>Type</b>	
<b>1.</b>	10:00				Call to Order
<b>2.</b>	10:00	5	Jameson	Action	Reading and Approval of Summary of Motions of the May 7, 2015 Meeting of the Design Review Board.
<b>3.</b>	10:05	20	Jameson	Action	Consideration of a recommendation to Town Council for a Rezoning and Density Transfer on Lots 23AR and 23CR.
<b>4.</b>	10:25	5			Other Business
<b>5.</b>	10:30				Adjourn

**SUMMARY OF MOTIONS  
TOWN OF MOUNTAIN VILLAGE  
DESIGN REVIEW BOARD MEETING  
THURSDAY, MAY 7, 2015**

**Attendance**

**The following Board/Alternate members were present and acting:**

Bill Hoins	Dave Eckman
Phil Evans	Luke Trujillo
Banks Brown	Jean Vatter
David Craige	

**The following Board members were absent:**

Greer Garner	Keith Brown
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**Town Staff in attendance:**

Chris Hawkins, Director of Community Development  
Savannah Jameson, Planner II  
Dave Bangert, Town Forester  
Jim Mahoney, Attorney

**Public in attendance:**

Skyler Bonser	Dylan Henderson
Ron Cheroske	Larry Scanlon
Paul Hoskinson (CeDur)	Robert McLean
Tom Kennedy	

**DRB will start a site visit at Hotel Madeline, 568 Mountain Village Blvd., meeting at the Reflection Plaza Ice Rink Area to Review Current Unit Configurations for the Major PUD Amendment Request to Be Heard Under Agenda Item No. 4**

Design Review Board Members met at the Hotel Madeline at 10:03 Thursday, May 7, 2015 for the site walk.

David Craige recused himself due to a conflict of interest for this agenda item.

**Call to Order**

Chairman, Bill Hoins called the meeting of the Design Review Board to order at 10:48 a.m. on Thursday, May 7, 2015, in the Conference Room at 455 Mountain Village Boulevard, Mountain Village, Colorado, 81435.

**Reading and Approval of Summary of Motions of the April 2, 2015 meeting of the Town Council & Design Review Board**

On a **Motion** made by Banks Brown and seconded by David Eckman, the DRB voted 7-0 to approve the Summary of Motions from the April 2, 2015 meeting, with changes to item 3 stating "Town Council and the Design Review Board accepted the Town Hall Subarea Task Force recommendations as presented".

**Lot 38-50-51R and OS-1-MVB Major PUD amendment to allow for: (A) the combination of a maximum of nine (9) lodge units to be rezoned into five (5) condominiums; (B) five (5) hotel condominiums to be rezoned as lodge units; (C) the combination of seven (7) condominium units**

**into three (3) condominium units; and (D) a density transfer as needed to accomplish the foregoing**

David Craige recused himself due to a conflict of interest for this agenda item.

Director of Community Development, Chris Hawkins, presented the application for a Major PUD amendment to Lot 38-50-51R and OS-1-MVB, Hotel Madeline. Owner's representative and applicant, Dylan Henderson, presented for the application.

On a **Motion** made by Phil Evans and seconded by David Eckman, the DRB voted 6-0 to approve Major PUD amendment to Lot 38-50-51R and OS-1-MVB, Hotel Madeline with findings contained in the staff memo of record and the following conditions:

1. The PUD agreement will be amended to require density to be transferred from either within the property or from the density bank, with minor PUD amendment development applications in the future to account for unit combinations and density transfers.
2. The PUD agreement will allow for the conversion of lodge and efficiency lodge units only in the Lot 38 Building to condominium units in order to create attractive, functional and higher occupancy units.
3. The PUD agreement will allow for the combination of only the condominium units only on the top floor of the Lot 50-51 Building.
4. The PUD agreement will require the Town to be notified of a proposed unit combination and the associated, required density transfer prior to or concurrent with the required building permits.
5. Unit combinations shall require an amendment to the condo map and declaration prior to the issuance of a certificate of completion for such combinations.
6. The hotel deed restriction shall remain in place for the five (5) efficiency lodge units that are allowed to be converted to lodge units.
7. The length of validity to reconfigure rooms and convert the five (5) efficiency lodge units shall be five (5) years.

**Conceptual Worksession Regarding Synthetic Roofing Material in the Mountain Village Part 1**

Town Planner II, Savannah Jameson, due to time constraints Ms. Jameson requested DRB hear the first part of this worksession for Synthetic Roofing Material in the Mountain Village.

Westile or concrete tile with similar profile and color should be used for repairs in the Village Center. Philosophically in favor of synthetic roofing materials for new construction, they should be reviewed on a case by case basis to determine their compatibility with the building.

**Consideration of a Minor Revisions Application for Lot 355 Requesting a General Easement Encroachment**

David Craige recused himself due to a conflict of interest for this agenda item.

Town Forester/Planner Dave Bangert, presented for the Minor Revisions Application to Lot 355. Owner's representative and applicant, Skyler Bonser, presented for the application.

On a **Motion** made by Banks Brown and seconded by Phil Evans, the DRB voted 6-0 to approve the Minor Revisions Application for Lot 355 with the findings contained in the staff memo of record and the following condition:

1. The owners of Lot 355 shall enter into a Revocable General Easement encroachment agreement with the Town for the landscape berm in the General Easement prior to the issuance of a certificate of occupancy.

**Lunch 11:52 a.m.**

**Consideration of a Design Review Process Development Application for Lot 204 Requesting a General Easement Encroachment**

Town Forester/Planner Dave Bangert, presented for the Design Review Process application. Owner's representative and applicant, Larry Scanlon, presented for the application.

On a **Motion** made by Jean Vatter and seconded by Banks Brown, the DRB voted 7-0 to approve the Design Review Application for Lot 204 with the findings contained in the staff memo of record and the following conditions:

1. The new monument cannot have address numbers or illumination.
2. Applicant must seek approval from Town Council for the Road Right of Way encroachments.

**Consideration of a Design Review Process Development Application for Lot 1001 and Tract OS-1R1 Roof & Fence Variation**

Town Planner II, Savannah Jameson, presented the Design Review Development Application for Lot 1001 and Tract OS-1R1 roof and fence variation. Ron Cheroske presented the material board.

On a **Motion** made by David Eckman and seconded by Phil Evans, the DRB voted 7-0 to approve the Resolution for the Development Application for Lot 1001 and Tract OS-1R1 roof and fence variation with the finding and conditions contained in the resolution.

1. The roof be revised to a 4:12 pitch.
2. To allow the applicant to use synthetic roofing product as a test case for the community.
3. The material pallet be approved as presented due to proximity of existing structures and design set forth in this neighborhood.

**Conceptual Worksession Regarding Synthetic Roofing Material in the Mountain Village Part 2**

Town Planner II, Savannah Jameson, continued the worksession for Synthetic Roofing Material in the Mountain Village, introducing representative Mr. Paul Hoskinson for the CeDur Roofing Company. Mr. Hoskinson gave a presentation on this product to the DRB.

**Major PUD Amendment to extend the length of validity and vested property rights for a site specific development plan for Lot 109R from December 8, 2015 to December 8, 2020**

Director of Community Development, Chris Hawkins, presented for the application for a Major PUD Amendment to Lot 109R. Owner's representative and applicant, Tom Kennedy, presented for the application.

On a **Motion** made by Phil Evans and seconded by David Eckman, the DRB voted 7-0 to approve with the findings contained in the staff memo of record and the following conditions:

1. The length of validity for vesting shall be for three (3) years with the Council having the ability to extend to a total of five years after a public meeting held prior to the December 8, 2018.

2. Staff will conduct an analysis of the project against the Community Development Code (CDC) to understand current variations since the PUD was adopted prior to the CDC.

Public Comment: Chris Hawkins received a letter of opposition from Bruce Crown, an owner of a Westermere Unit.

**Conceptual Worksession to Discuss a Proposed Rezoning, Density Transfer and Replat for Lots 376R and Lot 387R**

Director of Community Development Chris Hawkins, presented the Conceptual Worksession for proposed rezoning, density transfer and replat of Lot 376R and Lot 387R. The DRB was generally in favor of the proposed rezoning and subdivision with the following non-binding comments:

1. Provide a forested buffer to the Marmot Ski Run for development on Tract 387-1.
2. Provide conceptual plan for Tract 387-1 to ensure all uses fit and are not crammed onto the site.
3. Explore covenant or other legal instrument that ties all open space tracts to the single-family lots to ensure they cannot be sold off separately.
4. Explore trailhead parking on the easterly side of the access bridge on Access Tract A1-F26 or other locations in the area for public to access the trail running up the Marmot Ski Run (Old Wagon Road).

**Adjourn**

With no other business on a Motion made by Phil Evans and seconded David Eckman, the DRB voted 7-0 to adjourn the May 7, 2015 meeting of the Mountain Village Design Review Board at 2:44 p.m.

Respectfully Submitted,

Savannah Jameson  
Planner II



**COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**  
455 Mountain Village Blvd.  
Mountain Village, CO 81435  
(970) 728-1392

**Agenda Item No. 3**

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**TO:** Town Council  
**FROM:** Savannah Jameson, Planner II  
**FOR:** Meeting of June 4, 2015  
**DATE:** May 26, 2015  
**RE:** Consideration of a recommendation to Town Council for Rezoning and Density Transfer on Lots 23AR and 23CR

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**PROJECT GEOGRAPHY**

**Application Overview:** Consideration for the vacation of the lot line and general easements between Lots 23AR and 23CR to create one single family lot.

**Address:** 115 and 117 Yellow Brick Road  
**Applicant/Agent:** John G. Irwin, Esq.  
**Owner:** AARIS, LLC  
**Existing and Proposed Zoning:** Single-family  
**Existing and Proposed Use:** Residential single-family  
**Site Area:** 2.594 Acres  
**Adjacent Land Uses:**  
**North:** Open Space and Commercial  
**South:** Open Space and Residential – Single family lots  
**East:** Open Space  
**West:** Residential- Single family lots

**ATTACHMENTS**

1. Applicant Narrative (Exhibit A)
2. Proposed replat (Exhibit B)

**RECORD DOCUMENTS**

- Town of Mountain Village Community Development Code (as amended)
- Town of Mountain Village Home Rule Charter (as amended)
- Design Review Application as maintained by the Community Development Department.

**BACKGROUND**

**Overview of Development Applications**

The applicant and owner's representative, John Goodwin, have submitted an application for a rezoning and density transfer for the reconfiguration of Lots 23AR and 23CR. The proposed rezoning is proposing to vacate the lot lines and general easements between Lots 23AR and

23CR. The request also includes the transfer of one (1) unit of single family density, equivalent to four (4) person equivalents, to the density bank to be held by AARIS, LLC.

### **CRITERIA FOR DECISION**

#### **Rezoning Criteria**

1. The proposed rezoning is in general conformance with the goals, policies and provisions of the Comprehensive Plan;
2. The proposed rezoning is consistent with the Zoning and Land Use Regulations;
3. The proposed rezoning meets the Comprehensive Plan project standards;
4. The proposed rezoning is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources;
5. The proposed rezoning is justified because there is an error in the current zoning, there have been changes in conditions in the vicinity or there are specific policies in the Comprehensive Plan that contemplate the rezoning;
6. Adequate public facilities and services are available to serve the intended land uses;
7. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and
8. The proposed rezoning meets all applicable Town regulations and standards.

#### **Density Transfer Criteria**

1. The criteria for decision for a rezoning are met, since such density transfer must be processed concurrently with a rezoning development application (except for MPUD development applications);
2. The density transfer meets the density transfer and density bank policies; and  
The proposed density transfer meets all applicable Town regulations and standards

### **RECOMMENDATION**

Staff recommends the DRB move to recommend Town Council approve the rezoning and density transfer on Lots 23AR and 23CR, to create Lot 23AC and transfer one (1) unit of single family density to the density bank with the following motion:

*"I move to recommend Town Council approve the rezoning of Lots 23AR and 23CR, to create Lot 23AC and transfer one (1) unit of single family density to the density bank with the following motion and condition contained in the Staff memo of record dated May 26, 2015. This motion is based on evidence and testimony heard at a public hearing held on June 4, 2015 with notice of such meeting as provided for in the Land Use Ordinance and Design Regulations."*

#### **Condition:**

1. The Applicant will work with Staff to complete the required 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.





# DENSITY BANK TRANSFER APPLICATION

Community Development Department  
Planning Division  
455 Mountain Village Blvd.  
Mountain Village, CO 81435  
(970) 728-1392

## DENSITY TRANSFER WITHIN THE DENSITY BANK APPLICATION

### APPLICANT INFORMATION

Name: <i>John G. Train Esq. for AARIS, LLC</i>		E-mail Address: <i>John.G.Train@icloud.com</i>	
Mailing Address: <i>P.O. Box 2193</i>		Phone: <i>970 708.7093</i>	
City: <i>Telluride</i>	State: <i>CO</i>	Zip Code: <i>81435</i>	
Mountain Village Business License Number: <i>005366 (Pending Approval)</i>			

### PROPERTY INFORMATION

Physical Address: <i>115 &amp; 117 Yellow Brick Road</i>		Acreage: <i>2.94</i>	
Zone District: <i>Single Family</i>	Zoning Designations: <i>40 person equivalent</i>	Density Assigned to the Lot or Site: <i>40 person equivalent</i>	
Legal Description: <i>Lot 23A2 &amp; Lot 23C2</i>			
Existing Land Uses: <i>Residential - Single Family</i>			
Proposed Land Uses: <i>Residential - Single Family</i>			

### OWNER INFORMATION

Property Owner: <i>AARIS, LLC</i>		E-mail Address: <i>themetheaters@gmail.com</i>	
Mailing Address: <i>160 Humboldt Street</i>		Phone: <i>720-221-5052</i>	
City: <i>Denver</i>	State: <i>CO</i>	Zip Code: <i>80218</i>	

### DESCRIPTION OF REQUEST

*This Application is filed concurrently with a Minor Subdivision Application requesting the merge of lots 23A2 & 23C2. This application requests the transfer of one density into the density bank*





# DENSITY BANK TRANSFER APPLICATION

Community Development Department  
Planning Division  
455 Mountain Village Blvd.  
Mountain Village, CO 81435  
(970) 728-1392

**OWNER/APPLICANT  
ACKNOWLEDGEMENT  
OF RESPONSIBILITIES**

I, AARIS, LLC, the owner of Lots 23A12 & 23C2 (the "Property") hereby certify that the statements made by myself and my agents on this application are true and correct. I acknowledge that any misrepresentation of any information on the application submittal may be grounds for denial of the development application or the imposition of penalties and/or fines pursuant to the Community Development Code. We have familiarized ourselves with the rules, regulations and procedures with respect to preparing and filing the development application. We agree to allow access to the proposed development site at all times by members of Town staff, DRB members and the Town Council. We agree that if this request is approved, it is issued on the representations made in the development application submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval. By signing this acknowledgement, I understand and agree that I am responsible for the completion of all required on-site and off-site improvements as shown and approved on the final plan(s) (including but not limited to: landscaping, paving, lighting, etc.). We further understand that I (we) are responsible for paying Town legal fees and other fees as set forth in the Community Development Code.

AARIS LLC, a Colorado limited liability company  
Signature of Owner by John E. Irwin, Esq. Date 4.14.15

[Signature] John E. Irwin, Esq.  
Signature of Applicant/Agent Date 4.14.15

OFFICE USE ONLY	
Fee Paid:	By:
	Planner:



DENSITY BANK TRANSFER  
APPLICATION

Community Development Department  
Planning Division  
455 Mountain Village Blvd.  
Mountain Village, CO 81435  
(970) 728-1392

OWNER AGENT AUTHORIZATION FORM

I have reviewed the application and hereby authorize John G. Iovin, Esq. of Telluride, CO to be and to act as my designated representative and represent the development application through all aspects of the development review process with the Town of Mountain Village.

PAUL M. McPHEE  
by [Signature]  
(Signature)

January 12, 2015  
(Date)

Paul Michael McPhee, Manager  
(Printed name)



**Special Warranty Deed**  
(Pursuant to 38-90-115 C.R.S.)

State Documentary Fee  
Date: October 17, 2014  
\$ 432.50

**THIS DEED, made on October 17, 2014 by THE SUMAC COMPANY, L.L.C., AN ARKANSAS LIMITED LIABILITY COMPANY** Grantor(s), of the County of UNION and State of ARKANSAS for the consideration of (\$4,325,000.00) \*\*\* Four Million Three Hundred Twenty Five Thousand and 00/100 \*\*\* dollars in hand paid, hereby sells and conveys to **AARIS, LLC, A COLORADO LIMITED LIABILITY COMPANY** Grantee(s), whose street address is **160 HUMBOLDT ST. DENVER, CO 80218**, County of DENVER, and State of COLORADO, the following real property in the County of San Miguel, and State of Colorado, to wit:

**SEE ATTACHED "EXHIBIT A"**

also known by street and number as: **(VACANT) 115 YELLOW BRICK ROAD (LOT 23AR) AND 117 YELLOW BRICK ROAD (LOT 23CR) AND (VACANT) YELLOW BRICK ROAD (LOT 23D) MOUNTAIN VILLAGE CO 81435**

with all its appurtenances and warrants the title against all persons claiming under the Grantor(s) **SEE EXHIBIT B2, ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.**

**THE SUMAC COMPANY, L.L.C., AN ARKANSAS LIMITED LIABILITY COMPANY**

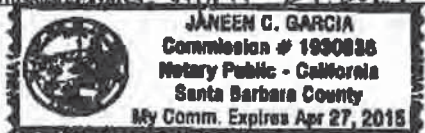
X *R. Madison Murphy*  
R. MADISON MURPHY, MEMBER

X *Suzanne Murphy*  
SUZANNE MURPHY, MEMBER

State of California )  
County of Santa Barbara ) ss.

The foregoing instrument was acknowledged before me on this day of October 17, 2014 by **R. MADISON MURPHY AND SUZANNE MURPHY AS MEMBERS OF THE SUMAC COMPANY, L.L.C., AN ARKANSAS LIMITED LIABILITY COMPANY.**

Witness my hand and official seal.  
My commission expires April 27 2015



X *Janeen C. Garcia*  
Notary Public

When Recorded Return to: **AARIS, LLC, A COLORADO LIMITED LIABILITY COMPANY**  
**160 HUMBOLDT ST. DENVER, CO 80218**



**EXHIBIT A**

**PARCEL A:**

LOTS 23AR AND 23CR, ACCORDING TO A REPLAT OF LOTS 23A AND 23C, REPLAT NO. 3, TELLURIDE MOUNTAIN VILLAGE, FILING 1, RECORDED MAY 20, 2003 IN PLAT BOOK 1 AT PAGE 3144, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

**PARCEL B:**

LOT 23D, ACCORDING TO A REPLAT OF LOT 23 AND TRACT OS-3, REPLAT NO. 3, TELLURIDE MOUNTAIN VILLAGE, FILING 1, RECORDED OCTOBER 19, 2000 IN PLAT BOOK 1 AT PAGE 2817, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

**PARCEL C:**

AN UNDIVIDED 100.0% INTEREST IN AND TO TRACT F1-23A, ACCORDING TO A REPLAT OF LOT 23 AND TRACT OS-3, REPLAT NO. 3, TELLURIDE MOUNTAIN VILLAGE, FILING 1, RECORDED OCTOBER 19, 2000 IN PLAT BOOK 1 AT PAGE 2817, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

**PARCEL D:**

AN UNDIVIDED 37.5% INTEREST IN AND TO TRACT F1-23B, ACCORDING TO A REPLAT OF LOT 23 AND TRACT OS-3, REPLAT NO. 3, TELLURIDE MOUNTAIN VILLAGE, FILING 1, RECORDED OCTOBER 19, 2000 IN PLAT BOOK 1 AT PAGE 2817, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

*ah*

**EXHIBIT B2**

Property Address: (VACANT) 115 YELLOW BRICK ROAD (LOT 23AR) AND 117 YELLOW BRICK ROAD (LOT 23CR) AND (VACANT) YELLOW BRICK ROAD (LOT 23D) MOUNTAIN VILLAGE CO 81435

**EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE FOLLOWING PLATS:**

#1 - TELLURIDE MOUNTAIN VILLAGE, FILING 1 RECORDED MARCH 9, 1984 IN PLAT BOOK 1 AT PAGE 476, AND TECHNICAL AMENDMENT CONCERNING DENSITY RECORDED FEBRUARY 12, 1990 IN BOOK 462 AT PAGE 759,

#2 - PLAT OF THE TOWN OF MOUNTAIN VILLAGE RECORDED OCTOBER 6, 1995 IN PLAT BOOK 1 AT PAGE 1918 AND OFFICIAL LAND USE AND DENSITY ALLOCATION FOR ALL LAND WITHIN THE TOWN OF MOUNTAIN VILLAGE, COLORADO RECORDED OCTOBER 6, 1995 IN BOOK 551 AT PAGE 485 AND AS AMENDED IN INSTRUMENT RECORDED JUNE 25, 2009 UNDER RECEPTION NO. 407544,

#3 - TOWN OF MOUNTAIN VILLAGE RECORDED JULY 24, 1996 IN PLAT BOOK 2 AT PAGE 2073, AND

#4 - THE TOWN OF MOUNTAIN VILLAGE OFFICIAL TOWN PLAT RECORDED SEPTEMBER 8, 1997 IN PLAT BOOK 1 AT PAGE 2281 AND THE TOWN OF MOUNTAIN VILLAGE OFFICIAL LOT LIST RECORDED SEPTEMBER 8, 1997 IN BOOK 586 AT PAGE 548.

RESTRICTIVE COVENANTS, FOR MOUNTAIN VILLAGE, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED MARCH 9, 1984 IN BOOK 409 AT PAGE 714, AS AMENDED OR SUPPLEMENTED. AMENDED AND RESTATED GENERAL DECLARATION RECORDED DECEMBER 11, 2002 UNDER RECEPTION NO. 353668. FIRST AMENDMENT TO THE AMENDED AND RESTATED GENERAL DECLARATION RECORDED DECEMBER 09, 2009 UNDER RECEPTION NO. 410160. SECOND AMENDMENT TO THE AMENDED AND RESTATED GENERAL DECLARATION RECORDED MARCH 19, 2012 UNDER RECEPTION NO. 422188.

NOTICE REGARDING CONTACT INFORMATION AND REAL ESTATE TRANSFER ASSESSMENT RECORDED MAY 25, 2011 UNDER RECEPTION NO. 418209.

NOTE: UNDER THE GENERAL NOTES ON THE PLAT OF TELLURIDE MOUNTAIN VILLAGE RECORDED MARCH 9, 1984 IN PLAT BOOK 1 AT PAGE 476 THE TELLURIDE COMPANY RESERVES THE RIGHT TO IMPOSE ADDITIONAL RESTRICTIVE COVENANTS ON ALL LOTS IN ADDITION TO THE ONES DESCRIBED HEREIN.

TERMS, CONDITIONS AND PROVISIONS OF NOTICE OF WATER AND SEWER TAP FEE PAYMENT RECORDED APRIL 14, 1987 IN BOOK 435 AT PAGE 603, TAP FEE AGREEMENT RECORDED MAY 29, 1992 IN BOOK 492 AT PAGE 991, AND BY FIRST AMENDMENT TO TAP FEE AGREEMENT RECORDED DECEMBER 18, 1996 IN BOOK 573 AT PAGE 237, AND AS ASSIGNED BY TAP FEE ASSIGNMENT AND ASSUMPTION AGREEMENT RECORDED APRIL 29, 1999, UNDER RECEPTION NO. 326037.

TERMS, CONDITIONS AND PROVISIONS OF FACILITIES, WATER RIGHTS AND EASEMENT AGREEMENT RECORDED APRIL 27, 1992 IN BOOK 491 AT PAGE 359 AND AS AMENDED IN INSTRUMENT RECORDED NOVEMBER 13, 1992 IN BOOK 501 AT PAGES 433 AND 437 AND AS AMENDED IN INSTRUMENT RECORDED APRIL 26, 1993 IN BOOK 510 AT PAGE 8 AND AS AMENDED IN INSTRUMENT RECORDED OCTOBER 24, 1996 IN BOOK 569 AT PAGE 668.

TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT REGARDING GENERAL EASEMENTS RECORDED MAY 21, 1996 IN BOOK 562 AT PAGE 87 AND AS AMENDED IN INSTRUMENT RECORDED OCTOBER 24, 1996 IN BOOK 569 AT PAGE 670.

*afh*



RESERVATION BY THE TELLURIDE COMPANY OF ALL OF THE RIGHTS TO MINERAL AND OIL, GAS OR OTHER HYDROCARBONS LOCATED ON, IN OR UNDER THE REAL PROPERTY, WITHOUT ANY RIGHT OF SURFACE ENTRY FOR EXPLORATION, DEVELOPMENT OR EXTRACTION. THE TELLURIDE COMPANY COVENANTS THAT IT WILL NOT MINE, EXTRACT, EXPLORE FOR OR DEVELOP ANY OF THE MINERALS, OIL, GAS OR OTHER HYDROCARBONS LOCATED ON, IN OR UNDER THE REAL PROPERTY, ALL AS CONTAINED IN INSTRUMENTS RECORDED JULY 3, 1984 IN BOOK 412 AT PAGE 88 AND NOVEMBER 17, 1989 IN BOOK 459 AT PAGE 627.

TERMS, CONDITIONS, RESERVATIONS AND PROVISIONS AS CONTAINED IN WARRANTY DEEDS RECORDED JULY 3, 1984 IN BOOK 412 AT PAGE 88 AND NOVEMBER 17, 1989 IN BOOK 459 AT PAGE 627.

EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE FOLLOWING PLATS:

#1- REPLAT #3 TELLURIDE MOUNTAIN VILLAGE FILING 1 RECORDED JULY 31, 1985 IN BOOK 1 AT PAGE 577;

#2 - A REPLAT OF LOT 23 AND TRACT OS-3, REPLAT #3, TELLURIDE MOUNTAIN VILLAGE FILING 1 RECORDED OCTOBER 19, 2000 IN PLAT BOOK 1 AT PAGE 2817; AND

#3 - A REPLAT OF LOTS 23A AND 23C, REPLAT NO. 3, TELLURIDE MOUNTAIN VILLAGE, FILING 1, RECORDED MAY 20, 2003 IN PLAT BOOK 1 AT PAGE 3144.

TERMS, CONDITIONS AND PROVISIONS OF RESOLUTION OF THE TOWN COUNCIL, TOWN OF MOUNTAIN VILLAGE RECORDED AUGUST 14, 1997 IN BOOK 585 AT PAGE 365.

TERMS, CONDITIONS AND PROVISIONS OF NOTICE FILED BY SAN MIGUEL POWER ASSOCIATION, INC. RECORDED MARCH 18, 1999 UNDER RECEIPTON NO. 325020.

TERMS, CONDITIONS AND PROVISIONS OF TOWN COUNCIL, TOWN OF MOUNTAIN VILLAGE RESOLUTION #2000-0912-17 RECORDED OCTOBER 19, 2000 AT RECEIPTON NO. 337418.

TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN EASEMENT AGREEMENT (LOT 23-A) RECORDED OCTOBER 19, 2000 UNDER RECEIPTON NO. 337428.

TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ACCESS TRACT F1-23B AGREEMENT RECORDED OCTOBER 19, 2000 UNDER RECEIPTON NO. 337427.

TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN STREAM EASEMENT AGREEMENT RECORDED OCTOBER 19, 2000 UNDER RECEIPTON NO. 337428.

ANY RIGHTS OR INTERESTS OF THIRD PARTIES WHICH EXIST OR ARE CLAIMED TO EXIST IN AND OVER THE PRESENT AND PAST BED, BANKS OR WATERS OF STREAM CROSSING PORTIONS OF SUBJECT PROPERTY AS DISCLOSED BY INSTRUMENT RECORDED OCTOBER 19, 2000 UNDER RECEIPTON NO. 337428.

TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN FIREPLACE PERMITS #068 AND #078 RECORDED JANUARY 18, 2001 UNDER RECEIPTON NOS. 338074 AND 338094 AND JUNE 26, 2002 UNDER RECEIPTON NO. 349999.

TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN TOWN OF MOUNTAIN VILLAGE RESOLUTIONS #2002-07 AND #2002-1210-31 AMENDING AND RESTATING THE TOWN OF MOUNTAIN VILLAGE DESIGN REGULATIONS RECORDED DECEMBER 18, 2002 UNDER RECEIPTON NOS. 353852 AND 353853.

TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN TOWN OF MOUNTAIN VILLAGE RESOLUTION #2002-0514-08 RECORDED MAY 20, 2003 UNDER RECEIPTON NO. 357356.

TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN EASEMENT AGREEMENT (LOT 23CR AND LOT 23AR) RECORDED MAY 20, 2003 UNDER RECEIPTON NO. 357358.

TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND



**GRANTED IN SHARED DRIVEWAY AND UNDERGROUND UTILITY EASEMENT AGREEMENT RECORDED JULY 07, 2009 UNDER RECEPTION NO. 407675.**

**TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN UTILITY EASEMENT AGREEMENT RECORDED JUNE 07, 2012 UNDER RECEPTION NO. 423436 AND AS AMENDED IN INSTRUMENT RECORDED DECEMBER 23, 2013 UNDER RECEPTION NO. 431112.**

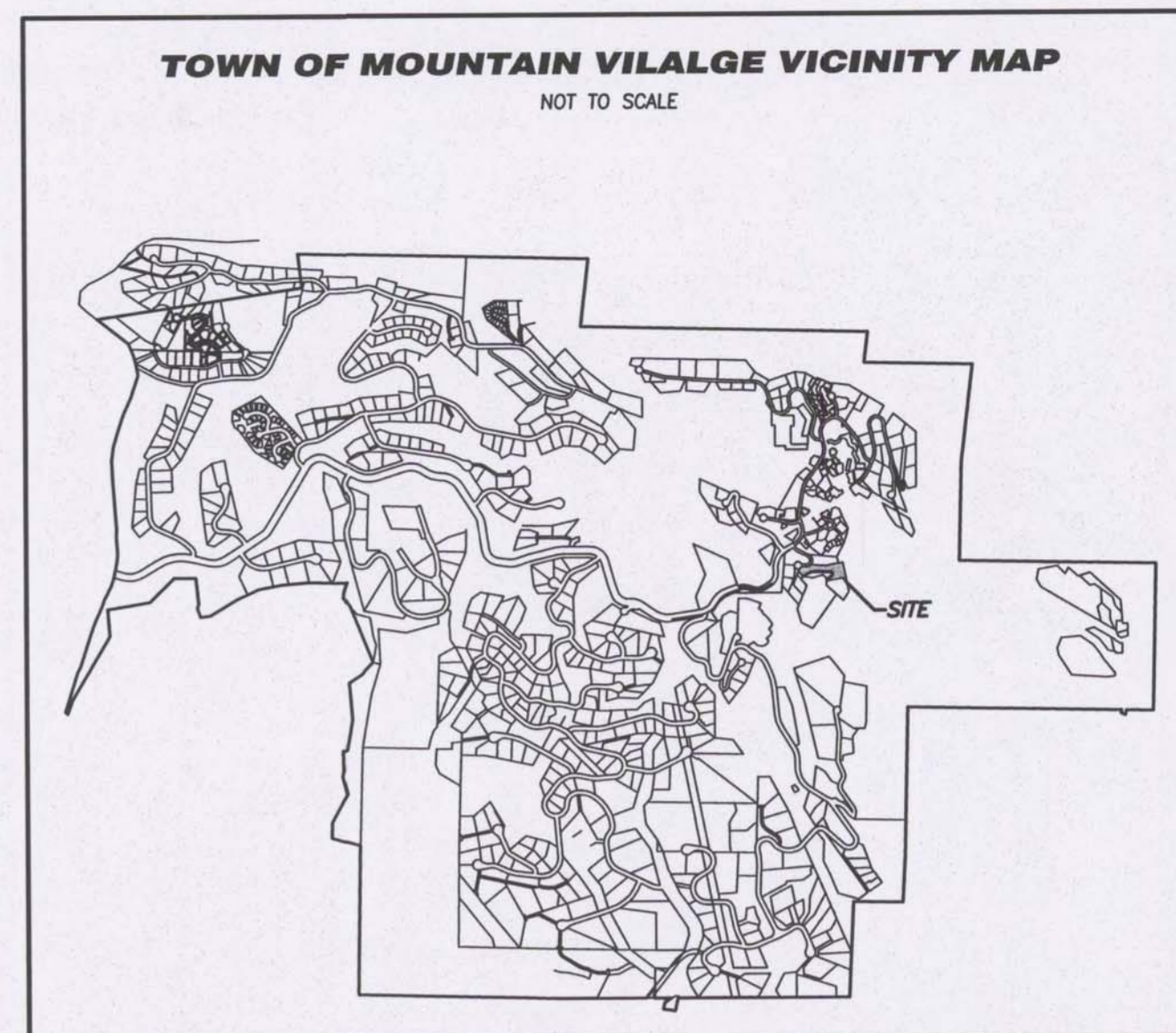
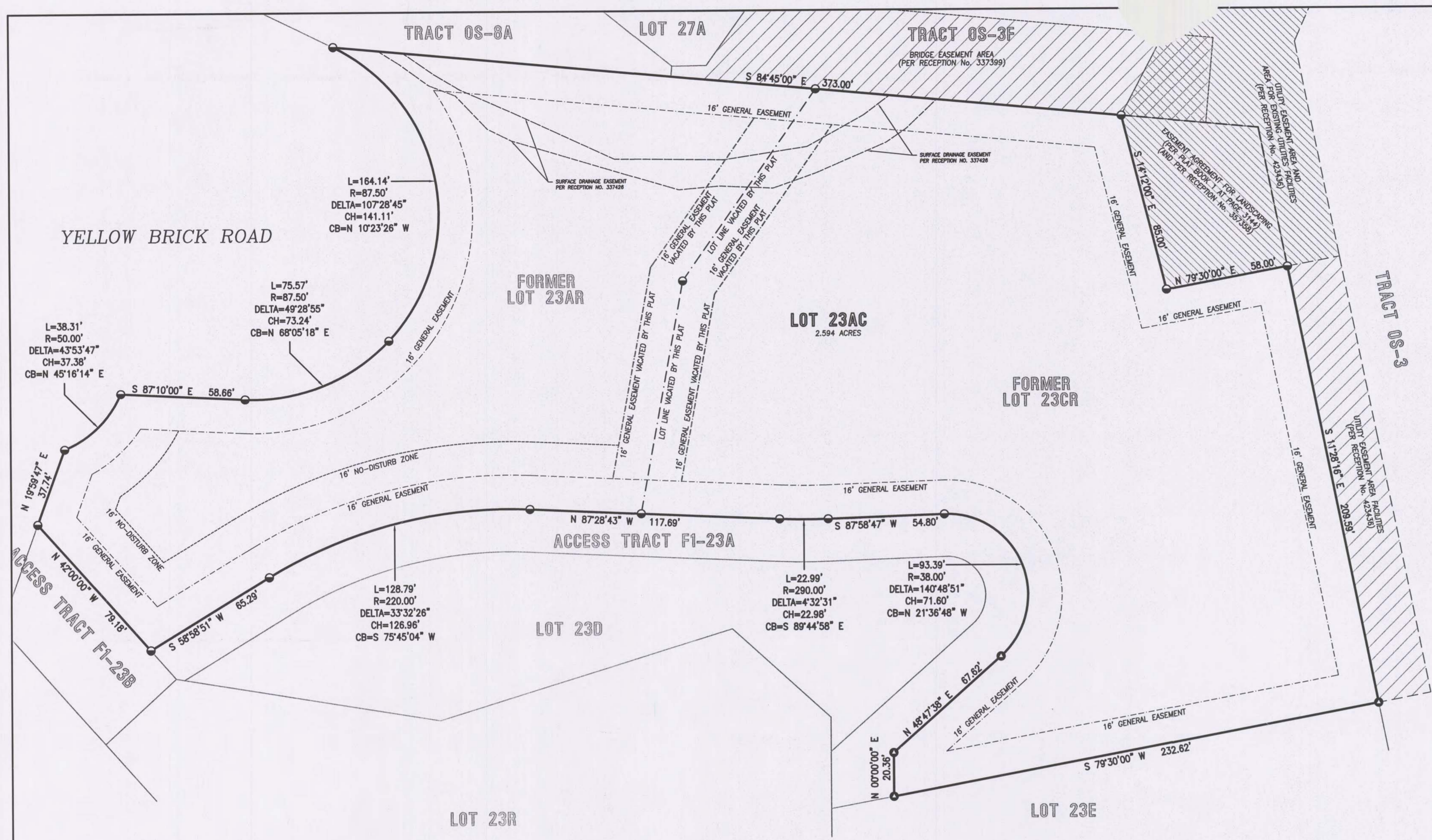
**RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED JUNE 7, 2012, UNDER RECEPTION NO. 423437.**

**NOTE: IT IS UNDERSTOOD THAT THE PROPERTY ABOVE DESCRIBED AS PARCELS C AND D ARE UNDIVIDED INTERESTS AND THERE IS EXCEPTED FROM THIS POLICY THE RIGHTS, TITLE OR INTERESTS OF THE OTHER TENANTS IN COMMON; AND INSURER SHALL NEVER BE LIABLE TO REPRESENT THE INSURED OR TO PAY THE COURT COSTS IN ANY LITIGATION FOR PARTITION OR FOR ENFORCEMENT OF ANY OTHER RIGHTS, TITLE OR INTERESTS OF SUCH TENANTS IN COMMON.**

**MATTERS DISCLOSED ON IMPROVEMENT LOCATION CERTIFICATE ISSUED BY FOLEY ASSOCIATES, INC. CERTIFIED SEPTEMBER 25, 2014, JOB NO. 00174.**

*afm*





**EASEMENT VACATION**

The undersigned being the beneficiaries of record of those portions of land labeled as Utility Easement as established on the property as shown hereon by the Plat of record filed in the Office of the Clerk and Recorder of San Miguel County do hereby vacate and relinquish that portion of said easement as shown vacated on this Plat.

TSG Ski & Golf, LLC, a Delaware limited liability company

By: \_\_\_\_\_, Vice President

**ACKNOWLEDGMENT**

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

The foregoing signature was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by \_\_\_\_\_, as Vice President of TSG Ski & Golf, LLC, a general partner of the TSG Ski & Golf, LLC, a Delaware limited liability company.

Town of Mountain Village

By: \_\_\_\_\_, as Mayor, Town of Mountain Village, Colorado

**ACKNOWLEDGMENT**

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

The foregoing signature was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015 A.D. by \_\_\_\_\_, as Mayor, Town of Mountain Village, Colorado

My commission expires \_\_\_\_\_

Witness my hand and seal.

Notary Public.

Telluride Mountain Village Resort Co., a Colorado non-profit corporation, doing business as Mountain Village Owner's Association, Inc.

By: \_\_\_\_\_, President

**ACKNOWLEDGMENT**

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

The foregoing signature was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015 A.D. by \_\_\_\_\_, as President of Mountain Village Owner's Association.

My commission expires \_\_\_\_\_

Witness my hand and seal.

Notary Public.

**NOTES**

1. Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended.
2. Easement research from Land Title Guarantee Company Commitment No. TLR6004212-4 dated September 05, 2014 at 5:00 P.M.
3. BASIS OF BEARINGS. The Bearing between found monuments along the northern boundary of Lot 23AR was assumed to be the record bearing of
4. Notice is hereby given that the area included in the plat described herein is subject to the regulations of the Community Development Code, March 2012 as amended.
5. NOTES OF CLARIFICATION
  - a. The Configuration of the following lots, tracts, and right-of-way have been modified by this plat:  
None
  - b. The following lots have been created by this plat:  
Lot 23AC
  - c. The following lots have been deleted by this plat:  
Lot 23AR and Lot 23CR
6. Zoning and land use designations are as set forth on the Town's Official Zoning Map, Official Land Use and Density Allocation List and any duly adopted resolutions or ordinances governing the property which is the subject of this plat.
7. The approval of this plat vacates all prior plats for the area described in the legal description as shown hereon in the certificate of ownership.
8. NOTICE: According to Colorado law you must commence any legal action based upon defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.
9. The purpose of this plat is to vacate the property line and 16 foot General Easement between Lot 23AR and Lot 23CR to create Lot 23AC.

**COUNTY TREASURER'S CERTIFICATE**

I certify that according to the records in the San Miguel County Treasurer's office, there are no liens against the property included in the subdivision, or any part thereof, for unpaid State, county or municipal ad valorem taxes or special assessments certified to the County Treasurer for collection.

San Miguel County Treasurer \_\_\_\_\_ Date \_\_\_\_\_

**RECORDER'S CERTIFICATE**

This plat was filed for record in the Office of the San Miguel County Clerk and Recorder on this \_\_\_\_\_ day of \_\_\_\_\_, 2015, at  
Plat Book \_\_\_\_\_  
Page \_\_\_\_\_  
Reception No. \_\_\_\_\_  
Time \_\_\_\_\_

San Miguel County Clerk \_\_\_\_\_

**LEGEND**

- FOUND 1-1/2" ALUMINUM CAP ON #5 REBAR, L.S. 24954
- FOUND 1-1/2" ALUMINUM CAP ON #5 REBAR, L.S. 37970

**CERTIFICATE OF OWNERSHIP**

KNOW ALL PERSONS BY THESE PRESENTS that AARIS LLC, being the owner in fee simple of all real property described as follows, does hereby make an Amendment to the Final Plat of said real property in accordance with the Amendment to the Final Plat shown hereon.

LOTS 23AR AND 23CR, TELLURIDE MOUNTAIN VILLAGE, ACCORDING TO THE PLAT RECORDED MAY 20, 2003 IN PLAT BOOK 1 AT PAGE 3144.

COUNTY OF SAN MIGUEL, STATE OF COLORADO.

OWNER: AARIS LLC, a Colorado Limited Liability Company

By: \_\_\_\_\_ as \_\_\_\_\_ for AARIS LLC, a Colorado Limited Liability Company.

**ACKNOWLEDGMENT**

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

The foregoing signature was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015 A.D. by \_\_\_\_\_, as \_\_\_\_\_ for AARIS LLC, a Colorado Limited Liability Company.

My commission expires \_\_\_\_\_

Witness my hand and seal.

Notary Public.

**SURVEYOR'S CERTIFICATE**

I, Jeffrey C. Haskell of Foley Associates, Inc., a Professional Land Surveyor licensed under the laws of the State of Colorado, do hereby certify that this LOT 23AC, AN AMENDMENT TO THE FINAL PLAT FOR LOTS 23AR AND 23CR, TELLURIDE MOUNTAIN VILLAGE, FILING 1, shown hereon, has been prepared under my direct responsibility and checking and accurately represents a survey conducted under my direct supervision. This survey complies with applicable provisions of Title 38, Article 51, C.R.S. to the best of my knowledge and belief. I further certify that all monuments and markers were set as required by the Town of Mountain Village Community Development Code Articles 50 and 51 of Title 38, C.R.S.

IN WITNESS WHEREOF, I here unto affix my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2015.

P.L.S. 37970 \_\_\_\_\_ Date \_\_\_\_\_

**TITLE INSURANCE COMPANY CERTIFICATE**

Land Title Guarantee Company does hereby certify that we have examined the title to the lands herein shown on this Amendment to the Final Plat and that the title to this land is in the name of AARIS LLC, a Colorado Limited Liability Company, and is free and clear of all liens and taxes, except as follows:

\_\_\_\_\_ Title Insurance Company Representative

**TOWN OF MOUNTAIN VILLAGE APPROVAL**

I, \_\_\_\_\_, as mayor of the Town of Mountain Village, Colorado, do hereby certify that this plat has been approved by the Town Council in the same resolution that has authorized and directed me to execute this document.

By: \_\_\_\_\_, as Mayor \_\_\_\_\_ Date \_\_\_\_\_

**ACKNOWLEDGMENT**

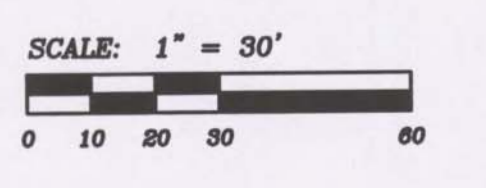
State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

The foregoing signature was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015 A.D. by \_\_\_\_\_, as Mayor, Town of Mountain Village.

My commission expires \_\_\_\_\_

Witness my hand and seal.

Notary Public.



**LOT 23AC, AN AMENDMENT TO THE FINAL PLAT FOR LOTS 23AR AND 23CR, TELLURIDE MOUNTAIN VILLAGE, FILING 1, LOCATED IN THE NE1/4 OF SECTION 3, T.42N., R.9W., N.M.P.M., TOWN OF MOUNTAIN VILLAGE, COUNTY OF SAN MIGUEL, STATE OF COLORADO**

Project Mgr:	JH	Rev.	description	date	by
Technician:	MC				
Checked by:					
Start date:	02/27/2015				



970-728-6153 970-728-6050 fax  
P.O. BOX 1385  
125 W. PACIFIC, SUITE B-1  
TELLURIDE, COLORADO 81435



This Existing Conditions / Topographic Survey was prepared in March, 2012 and updated in February, 2015 under the direct responsibility, supervision and checking of Jeffrey C. Haskell of Foley Associates, Inc., being a Colorado Licensed Surveyor. It does not constitute a Land Survey Plat or Improvement Survey Plat as defined by section 38-51-102 C.R.S.

P.L.S. NO. 37970 \_\_\_\_\_ Date \_\_\_\_\_

- NOTES:**
1. This survey does not constitute a title search by Foley Associates, Inc. to determine the ownership of this property or easements of record.
  2. NOTICE: According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

L=38.31'  
R=50.00'  
DELTA=43°53'47"  
CH=37.38'  
CB=N 45°16'14" E

L=164.14'  
R=87.50'  
DELTA=107°28'45"  
CH=141.11'  
CB=N 10°23'26" W

L=75.57'  
R=87.50'  
DELTA=49°28'55"  
CH=73.24'  
CB=N 68°05'18" E

L=128.79'  
R=220.00'  
DELTA=33°32'26"  
CH=126.96'  
CB=S 75°45'04" W

L=22.99'  
R=290.00'  
DELTA=4°32'31"  
CH=22.98'  
CB=S 89°44'58" E

L=110.00'  
R=100.00'  
DELTA=110°00'00"  
CH=100.00'  
CB=N 0°00'00" E

- LEGEND**
- W WATER VALVE
  - ⊕ FIRE HYDRANT
  - ☆ LAMP POST
  - ⊠ TRANSFORMER
  - TELEPHONE PEDESTAL
  - △ CABLE-TV PEDESTAL
  - FOUND 1-1/2" ALUMINUM CAP ON #5 REBAR, L.S. 24954
  - FOUND 1-1/2" ALUMINUM CAP ON #5 REBAR, L.S. 37970

**Existing Conditions / Topographic Survey**  
 Lot 23AR and Lot 23CR, Town of Mountain Village,  
 San Miguel County, Colorado.

Project Mgr:	JH	Rev.	description	date	by
Technician:	MC				
Checked by:					
Start date:	02/2015				



970-728-6153 970-728-6050 fax  
 P.O. BOX 1385  
 125 W. PACIFIC, SUITE B-1  
 TELLURIDE, COLORADO 81435



