

**RESOLUTION OF THE TOWN COUNCIL
OF MOUNTAIN VILLAGE, RESOLUTION APPROVING A MINOR SUBDIVISION TO
REPLAT LOTS 315 AND 336R INTO LOTS 315R AND 336RA**

RESOLUTION NO. 2018 -1115-21

- A. Wilkinson Grandchildren's Trust is the owner ("Lot 315 Owners") of record of real property described as Lot 315, Telluride Mountain Village, Filing 10, according to the plat filed November 21, 1988 in the office of the Clerk and Recorder in Plat Book 1 at page 862; and, the Plat of the Town of Mountain Village, recorded in Plat Book 1 at page 2281
- B. Peter and Amy Shaper are the owners ("Lot 336R Owners") of record of real property described as Lot 336R, Telluride Mountain Village, a replat of Lot 336, Telluride Mountain Village, Filing 10, and Lot 335, Telluride Mountain Village, Filing 18, according to the plat filed in the office of the Clerk and Recorder in Plat Book 1 at page 2828. The Lot 315 Owners and Lot 336R Owners are collectively referred to as the "Owners".
- C. The Owners have authorized Law Offices of Daniel Zemke to pursue the approval of the minor subdivision application to replat Lots 315 and 336R in Lots 315R and 336RA ("Application").
- D. The Town Council considered this Application, along with evidence and testimony, at a public meeting held on November 15, 2018.
- E. The Town Council approved the Minor Subdivision to replat the lots into Lots 315R and 336RA, along with evidence and testimony, at a public meeting November 15, 2018.
- 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 complies with Town Zoning and Land Use Regulations and Subdivision Regulations found in the Town's Community Development Code ("CDC"), 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 complies with Town standards and codes unless specific variations have been granted in accordance with the variance provisions of the 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. Lot 336RA and Lot 315R must both relocate and/or provide for a sixteen (16) foot, general easement that is consistent with the general easement requirements set forth in the CDC and the easement must be demonstrated on plat prior to execution of the final mylar.
2. The area conveyed from Lot 336R (336RA) to Lot 315 (315R) must be restricted from future development and any restriction must be demonstrated on plat prior to execution and recording of the final mylar.
3. The Applicant will submit appropriate fees to staff for recordation with the San Miguel County Assessor's office within six months of approval.
4. Staff will review the replat document to verify consistency with CDC Sections 17.4.13.N. Plat Standards, and CDC Section 3. Plat Notes and Certifications - and provide redline comments to the applicant prior to execution of the final mylar.
5. Staff has the authority to provide ministerial and conforming comments on the mylar prior to recordation.
6. Lot 336RA and Lot 315R shall work with Telluride Ski and Golf as well as the Town of Mountain Village prior to any ski access improvements within any ski easements on either of the subject lots.

Be It Further Resolved that Lots 315 and 336R may be replatted as submitted in accordance with Resolution No. 2018-1115-21.

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 15, 2018 (the "Effective Date") as herein referenced throughout this Resolution.

Section 4. Public Meeting

A public meeting on this Resolution was held on the 15th day of November 2018 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 15, 2018.

Town of Mountain Village, Town Council

By: 
Laila Benitez, Mayor

Attest:

By: 
Jackie Kennefick, Town Clerk

Approved as to Form:


James Mahoney, Assistant Town Attorney