

**RESOLUTION OF THE TOWN COUNCIL
OF MOUNTAIN VILLAGE,
RESOLUTION APPROVING A MAJOR SUBDIVISION TO REPLAT LOT 151R INTO LOTS
151R-1 151R-2 AND 151R-3
TO CORRECT AND SUPERSEDE RESOLUTION NO. 2018-0614-09**

RESOLUTION NO. 2018-1115-20

- A. Resolution 2018-614-09 was adopted and recorded at reception number 455319 (“Original Resolution”). The Original Resolution erroneously indicated the lots to be created from 151R were Lot 151A, 151B and 151C. This resolution corrects the error in lot names to show that lots 151R-1, 151R-2 and 151R-3 are the correct lot numbers.
- B. Retreat at Mountain Village LLC, A Limited Liability Company ("Owners") is the owner of record of real properties described as Lots 151R, Town of Mountain Village, according to the recorded replat filed 02-16-2011 in Plat Book 1 At Page 4436, County of San Miguel, State of Colorado
- C. The Owner has authorized Alpine Planning LLC to pursue the approval of the major subdivision application to replat Lot 151R into Lots 151R-1 151R-2 and 151R-3 (“Application”).
- D. The Owners have addressed, or agreed to address, all conditions of approval of the Application imposed by Town Council.
- E. The Town Council finds that the major subdivision meets the criteria for decision set forth in Section 17.4.13 of the CDC as follows:
 - 1. The lots resulting from the replat are in compliance with Town Zoning and Land Use Regulations and Subdivision Regulations;
 - 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, the densities remain low consistent with single family zoning, and the properties will otherwise look and feel the same;
 - 3. Subdivision access complies with Town standards and codes.
 - 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.
- F. The Town Council considered this application, along with evidence and testimony, at a public meeting held on June 14th, 2018; and
- G. The Owners have addressed, or agreed to address, all conditions of approval of the original application imposed by Town Council;

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES THE MAJOR SUBDIVISION AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) The applicant will work with TSG and submit a sewer easement agreement to the town prior to recordation of the new plat.
- 2) Applicant will formalize continued public use of the Big Billie's Trail in its current location on the southwest corner of Lot 151R, as shown on Exhibit D by legal instruction or otherwise agree to have it relocated onto TSG property.
- 3) A Subdivision Improvements Agreement will be executed to the satisfaction of the Town Attorney consistent with 17.4.13.1.4 & 5 Utility Design Standards and Required Utility Improvements.
- 4) The Applicant will submit appropriate fees to staff for recordation with the San Miguel County Assessor's office within six months of approval.
- 5) 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.
- 6) The major subdivision approval is conditioned upon final approval of the concurrent rezone to single family zoning and single-family density application by Town Council.
- 7) Staff has the authority to provide ministerial and conforming comments on the mylar prior to recordation.
- 8) The eastern and western exterior General Easements be revised to show a full 16-foot General Easement.

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

The Original Resolution became effective on June 14, 2018 (the "Effective Date") as herein referenced throughout this Resolution. This correction resolution shall become effective on November 15th, 2018.

Section 4. Public Meeting

A public meeting on the Original Resolution was held on the 14th day of June 2018 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

This correction resolution was also considered 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