

**RESOLUTION OF THE TOWN COUNCIL
OF MOUNTAIN VILLAGE, RESOLUTION APPROVING SKI AREA ACCESS BY LOT 374R
THROUGH THE GENERAL EASEMENT AND AN INTERVENING LOT**

RESOLUTION NO. 2019-0919-16

- A. DAMB Properties, LLC. is the owner ("Lot 374R Owners") of record of real property described as Lot 374R, Telluride Mountain Village, Filing 18, according to the plat filed October 31, 2000 in the office of the Clerk and Recorded in Plat Book 1 at page 2820 at Reception No. 337757, TOGETHER WITH right conveyed pursuant to instruments recorded August 3, 1998 at Reception No. 320340 and Reception No. 320341, recorded October 13, 1998 at Reception No. 321754, and recorded October 30, 1998 at Reception No. 322119 and Reception No. 322120.
- B. Calvin Akin is the owner ("Lot 386DR Owner") of record of real property described as Lot 386DR, according to the Lot 386DR and Tract OSP-45R, Amendment to the Final Plat of Lot 386D and Tract OSP-45, Town of Mountain Village recorded October 8, 1998 in Plat Book 1 at page 2440. Lot 386DR is the intervening lot through which access is required.
- C. The Owners have authorized 100th Meridian Law Group to pursue the approval of Class 5 Application to allow for Ski Area Access through the General Easement and an intervening lot ("Application").
- D. The Town Council considered this Application, along with evidence and testimony, at a public meeting held on September 19, 2019.
- E. The Town Council approved the Class 5 Application to allow for Ski Area Access through the General Easement and an intervening lot, along with evidence and testimony, at a public meeting September 19, 2019.
- 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 Class 5 Application meets the criteria for decision set forth in Section 17.4.13 of the CDC as follows:
 - 1. No disturbance or snow-grooming activity is proposed or shall occur in the general easement on the intervening lot(s) without the permission of the intervening lot owner(s).
 - 2. There is adequate buffering and setback between the general easement and any existing home(s) on the intervening lot(s).
 - 3. The owner(s) of the intervening lots are notified of the Council's consideration of the class 5 development application following the public hearing noticing requirements' mailing notice details, with at least 30 days' notice provided prior to the Town Council meeting at which the development application will be considered.
 - 4. The location of the access to the ski area is approved ski resort operator if there is any disturbance or snow-grooming activity creating a formal entry into the ski area.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES THE CLASS 5 SKI AREA ACCESS AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO THE FOLLOWING CONDITION:

1. Lot 374R Owners shall work with the ski area operator and Town Staff to determine appropriate signage and signage locations to prevent ski area visitors from accessing the property inadvertently.
2. Lot 374R Owners shall revegetate all disturbed areas with a native seed mix as per the CDC. At the conclusion of September 2019, Staff will inspect the site and ensure that revegetation of the site has occurred and is being maintained per CDC requirements.
3. Lot 374R and 386DR Owners use of the General Easement are secondary and subordinate to the Town's allowed uses of the General Easement. Should the Town require the General Easement for any purpose deemed necessary in its/their sole and absolute discretion, including but not limited to, those uses set forth in Community Development Code, the Town reserves the right to interrupt Owner's use on the General Easement. Any costs associated with reestablishing Owner's use of the General Easement shall be the sole responsibility of the Owners.
4. Lot 374R Owners shall be required to pay a fine established by staff, based on a 100% increase in the cost of the original Class 5 permit required for the retroactive approval of the skier access.

Be It Further Resolved that Lots 374R may access the ski area through the General Easement and Lot 386DR in accordance with Resolution No. 2019-0919-16.

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 September 19, 2019 (the "Effective Date") as herein referenced throughout this Resolution.

Section 4. Public Meeting

A public meeting on this Resolution was held on the 19th day of September 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 September 19, 2019



Town of Mountain Village, Town Council

By: *Laila Benitez*
Laila Benitez, Mayor

Attest:

By: *Jackie Kennefick*
Jackie Kennefick, Town Clerk

Approved as to Form:

By: *James Mahoney*
James Mahoney, Assistant Town Attorney