

**RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF MOUNTAIN VILLAGE,  
MOUNTAIN VILLAGE, COLORADO  
APPROVING AMENDMENT TO THE PLAT FOR  
DENSITY TRANSFER AND CONVERSION  
LOT 1006**

**Resolution No. 1999 - 0928-24**

**Whereas**, Telluride Mountain Village Ventures L.L.C. is the owner of record of real property described as Lot 1006, Mountain Village; and

**Whereas**, John Abrams on behalf of Telluride Mountain Village Ventures L.L.C has requested approval of an Amendment to the Plat of Lots 1006; and

**Whereas**, the duly recorded plat of Lot 1006 designates the following:

Current Platting Status

Lot 1006

62	Lodge Units	46.50	Population Density
66	Efficiency Lodge Units	33	Population Density
10	Condominium Units	30	Population Density

**Whereas**, in compliance with the provisions of Section 3.5.2 of the Land Use Ordinance and with due consideration of the matters set forth in the application filed, this application does hereby propose the following plat amendment:

**Whereas**, The applicant is requesting approval for the transfer and conversion of 1 unit of condo density ( 3 units of people density) from the Density Bank, (Double Cabins LLC owner) to lot 1006 increasing the total number of Lodge/Efficiency Lodge units and to correct the previous transfer dated November 10, 1998. There will be an excess of .75 people left over after the conversion, which is being transferred back to the Density Bank.

Proposed Platting Status

73	Lodge Units	@ .75 units of people density	54.75
	(A 2 room space with kitchens)		
57	Efficiency Units	@ .50 units of people density	28.50
	(A 1 room space with and without limited kitchens)		
10	Condominiums	@ 3.00 units of people density	<u>30.00</u>
	(detached cabins)		
140	Units Total	(A)	113.25 units of density

**Whereas**, the Design Review Board (DRB) considered this application, along with evidence and testimony, at a public meeting held September 23, 1999. Upon concluding their review, the Board voted in favor of the Density Transfer and Conversion, and recommended approval to the Town Council.

**Whereas**, the Town Council considered this application, along with evidence and testimony, at a public meeting September 28, 1999.

**Now, Therefore, Be It Resolved** that the Town Council hereby approves the Density Transfer and Conversion, Lot 1006, Town of Mountain Village and authorizes the Mayor to sign the Resolution subject to the following:

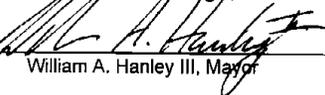
1. The applicant produce a parking plan which the DRB can approve or buy out what parking cannot be adequately accommodated on site.
2. The applicant complete the sales transaction and provides proof of ownership for the additional units of density.
3. The applicant pay RETA due on the purchase of density.
4. Water & sewer tap fees due on the additional units prior to a CO on building four.
5. The CO for building four not be issued until all DRB conditions are met, to include the approved parking plan, and all fees due have been paid.
6. The owner of record is responsible for all dues and fees appropriate to the previously platted Density until the Density is either transferred to a lot or to the Town.

**Be It Further Resolved** that Lot 1006 may be developed as submitted in accordance with Resolution NO. 1999-0928-24.

73	Lodge Units (A 2 room space with kitchens)	@ .75 units of people density	54.75
57	Efficiency Units (A 1 room space with and without limited kitchens)	@ .50 units of people density	28.50
10	Condominiums (detached cabins)	@ 3.00 units of people density	<u>30.00</u>
140	Units Total	(A)	113.25 units of density
Density Bank 1 Lodge Unit			.75 units of density

**Approved** by the Town Council at a public meeting September 28, 1999.

**Town of Mountain Village, Town Council**

by:   
William A. Hanley III, Mayor

Attest:

by:   
Linda Check, Town Clerk

PAID: \$10.00 328517

**RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF MOUNTAIN VILLAGE,  
MOUNTAIN VILLAGE, COLORADO  
APPROVING AMENDMENT TO LOT 155  
DENSITY TRANSFER**

**Resolution No. 1999 - 0525-14**

**Whereas**, Double Cabins LLC is the owner of record of real property described as Lot 155, Mountain Village; and

**Whereas**, Douglas R. Tueller on behalf of the above-mentioned property owner has requested approval of Amendment to the Final Plats of Lot 155, density transfer ; and

**Whereas**, the duly recorded plats designates the following:

**Current Plat Status**

Lot 155	8	Condominium Units	24	Population Density
		1.704 Acres		

**Whereas**, in compliance with the provisions of Section 3.5.2 of the Land Use Ordinance and with due consideration of the matters set forth in the application filed, this application does hereby propose the following plat amendment:

**Whereas**, the applicant propose to down zone the project to 7 units, four existing and three undeveloped units. The transfer is with the understanding that Density that is transferred to the Density Bank is unplatted, but retains its Zoning designation from previous platting. The owner of record will be responsible for all dues and fees appropriate to the previously platted Density, until the Density is either transferred to a lot or to the Town.

**Proposed Platting Status**

Lot 155	7	Condominium Units	21	Population Density
Density Bank 1		Condominium Unit	3	Population Density

**Whereas**, the Design Review Board (DRB) considered this application, along with evidence and testimony, at a public meeting held May 13, 1999. Upon concluding their review, the Board voted in favor of the density transfer and recommended approval to the Town Council.

**Whereas**, the Town Council considered this application, along with evidence and testimony, at a public meeting May 25, 1999

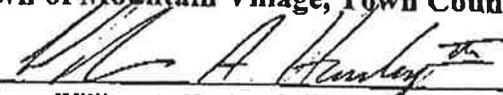
Now, Therefore, **Be It Resolved** that the Town Council hereby approves the density transfer of one unit of condominium density from Lot 155 to the Density Bank and authorizes the Mayor to sign the Resolution subject to the following:

1. The owner of record is responsible for all dues and fees appropriate to the previously platted Density until the Density is either transferred to a lot or to the Town.

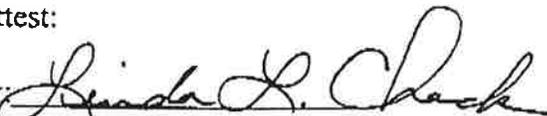
**Be It Further Resolved** that Lot 155 may be developed as submitted in accordance with Resolution NO. 1999-0525-14

Approved by the Town Council at a public meeting May 25, 1999.

**Town of Mountain Village, Town Council**

by:   
William A. Hanley III, Mayor

Attest:

by:   
Linda Check, Town Clerk

# DOUGLAS R. TUELLER, P.C.

238 East Colorado Avenue, Suites 1-3  
P.O. Box 3153  
Telluride, CO 81435-3153

Telephone: (970) 728-5775  
Facsimile: (970) 728-5898  
email: weaselesq@telluridecolorado.net

## Fax Cover Sheet

RECEIVED  
AUG 16 1999

DATE: August 12, 1999                      TIME: 3:38 PM  
TO: KATHY ROW                              PHONE: (970) 728-7460  
FAX: (970) 728-7532  
FROM: Nancy Dunne, Paralegal              PHONE: (970) 728-5775  
FAX: (970) 728-5898  
RE: LOT 155 DENSITY TRANSFER  
OUR FILE REF.: DOUBLE CABINS - TRANSFER TO DENSITY BANK

Number of pages including cover sheet: 3

COMMENTS: Attached, pursuant to your June 30, 1999 letter and our conversation of August 10, 1999, is a copy of Town of Mountain Village Town Council Resolution No. 1999-0525-14, as recorded on August 11, 1999 at Reception No. 328517 in the official records of the San Miguel County Clerk and Recorder's Office (the "Recorded Resolution").

I will forward the original Recorded Resolution to you via U.S. Mail this afternoon. Please note that, as we discussed, as I was unable to locate your June 30, 1999 letter, and therefore, the original signed resolution, so, as we agreed, I recorded a copy of the resolution.

Please let me know if you do not receive the original in the mail within the next week.

Thank you for your attention to this matter.

*Unless otherwise indicated or obvious from the nature of the transmittal, the information contained in this facsimile message is attorney privileged and confidential information intended for the use of the individual or entity named above. If you are reading this message and are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please IMMEDIATELY notify us by telephone, and return the original message to us at the above address via facsimile transmission and/or U.S. Postal Service. Thank you.*

**DENSITY TRANSFER AGREEMENT**

This Density Transfer Agreement is made on this 30<sup>th</sup> day of July, 1999 between TELLURIDE MOUNTAIN VILLAGE VENTURES, LLC (Buyer) and ~~REZMAR~~ **DOUBLE** *DM* CABINS, LLC CORPORATION (Seller).

**1. RECITALS.**

1.1 Seller desires to transfer from Town of Mountain Village Lot 155 ~~two~~ *one* free market units of condominium density consisting of a population of three people, presently appurtenant to Town of Mountain Village Lot 155, Mountain Village, San Miguel County, Colorado ("the density").

*DM SELLER*

1.2 REZMAR is the owner of Telluride Mountain Village Lot 155.

1.3 TELLURIDE MOUNTAIN VILLAGE VENTURES, LLC desires to purchase and acquire for the benefit of Town of Mountain Village Lot 1006, and Seller desires to sell and transfer from Lot 155, all of his right title and interest in the Density set forth herein.

2. **DENSITY.** Seller hereby agrees to sell, and Buyer hereby agrees to purchase for the benefit of Lot 1006, all of Seller's right, title, and interest in the one unit of Density. Seller hereby agrees to deliver to Buyer ~~two~~ *one* density units upon payment of the purchase price.

3. **PURCHASE PRICE AND TERMS.** The purchase price shall be \$40,000.00, payable in U.S. dollars as follows:

3.1 Cash at Closing. \$40,000.00 paid by Buyer at closing in cash, electronic transfer funds, certified check, savings and loan teller's check or cashier's check.

4. **GOOD FUNDS.** All payments required at closing shall be made in good funds which comply with all applicable Colorado law.

**5. TRANSFER OF DENSITY.**

5.1 Application for Rezoning and/or Density Transfer. The transfer of one free market unit of condominium density from Telluride Mountain Village Lot 155, is subject to the approval of the Town of Mountain Village Design and Review Board.

5.2 Seller's Actions. Seller hereby agrees to execute all documents and instruments reasonably necessary to apply for and effectuate the transfer of density from Lot 155 to Lot 1006.

6. **DATE OF CLOSING.** The date of closing shall be ~~on or before August 18,~~ *on or before Sept 15,* 1999 ("Closing Date"). The hour and place of closing shall be as designated by the parties.

7. **MODIFICATION OF AGREEMENT.** No waiver, amendment or modification of this Contract or covenant, condition, undertaking or limitation herein contained shall be valid in writing and duly executed by the party charged therewithin.

8. **PARTIES.** Except as otherwise expressly provided herein, the covenants, conditions, and agreements contained in this Agreement shall bind and inure

to the benefit of Seller, Buyer, and their respective heirs, personal representatives, successors and assigns.

9. COUNTERPARTS AND FACSIMILE. This Agreement may be executed in multiple counterparts or by legible facsimile copy, each of which shall constitute an original, but all of which, taken together, shall constitute one and the same instrument. If this Agreement is executed in facsimile counterparts, the parties agree to circulate promptly hard copies of for physical signature to replace, upon full execution of the hard copies by the parties, the facsimile counterparts.

IN WITNESS WHEREOF, the parties have executed this DENSITY TRANSFER AGREEMENT by their signatures set forth below on the dates set opposite the line for signatures:

SELLER: Double Cabins, L.L.C.  
By: Rezmar Corporation  
*[Signature]*

By: \_\_\_\_\_ Date: \_\_\_\_\_

BUYER: Telluride Mountain Village Ventures, LLC

By: Joh Olinus Lars Aoe Date: Aug-9/1999  
Project Mgr for LOR, LLC

10. Buyer shall pay earnest money of \$400,000 to be held by Telluride Real Estate Company. Buyer shall receive a credit on the closing date for the amount of the earnest money deposit. Seller shall reimburse Buyer for the earnest money deposit of \$4,000.00 in the event that the Design Review Board for the Town of Mountain Village Town Council does not approve the acquisition of the Density 70 Lot 1006.

*[Signature]*  
*[Signature]*

TELLURIDE MOUNTAIN VILLAGE VENTURES, LLC

P.O. BOX 11045

FAX: (970) 728-1930 (970) 728-1919

MOUNTAIN VILLAGE, CO 81435

NORWEST BANK COLORADO, N.A.  
MONTROSE #6080  
MONTROSE, CO 81402  
23-7/1020

5995

8/8/99

PAY TO THE ORDER OF

Double Cabins, L.L.C.

\$ 4,000.00

Four thousand +

xx/100 DOLLARS

MEMO Density Transfer

*[Handwritten Signature]*

AUTHORIZED SIGNATURE

⑈005995⑈ ⑆102000076⑆ 6258021000⑈

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

TELLURIDE MOUNTAIN VILLAGE VENTURES, LLC

5995

Double Cabins LLC.  
Deposit on Density Transfer

\$ 4,000 -

TELLURIDE MOUNTAIN VILLAGE VENTURES, LLC

5995

Double Cabins LLC  
Deposit on Density Transfer

\$4000 -