

**RESOLUTION APPROVING A MINOR SCALE SUBDIVISION COMBINING LOTS 517 & 518  
INTO LOT 518R**

**Resolution No. 2020-1210-28**

- A. Katherine Lovejoy Petty and David Bruce Petty (“Owner”) are the owners of record of real property described as Lots 517 & 518 (“Property”).
- B. The Owner applied for a minor subdivision of these properties (“Application”).
- C. The proposed minor subdivision complies with the provisions of sections 17.4.13 of the Community Development Code (“CDC”).
- D. The Town Council conducted a public hearing at which it considered and approved the Application at a public meeting held on December 10, 2020 the “Public Hearing.”
- E. At the Public Hearing, the Town Council considered the Application’s submittal materials, and all other relevant materials, public letters and public testimony, and approved the Application with conditions as set forth in this Resolution.
- F. The Owner has, agreed to address, all conditions of approval of the Application imposed by Town Council.
- G. The Town Council finds the Applications meets the minor subdivision criteria for decision contained in CDC Section 17.4.14(D) as follows:

Minor Subdivision Criteria:

- 1. The lots resulting from the adjustment or vacation 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;
- 3. Subdivision access is in compliance with Town standards and codes unless specific variances have been granted in accordance with the variance provisions of this CDC;
- 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 A MINOR SUBDIVISION COMBINING LOTS 517 & 518 INTO LOT 518R AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO CONDITIONS SET FORTH IN SECTION 1 BELOW:**

**Section 1. Conditions of Approval**

- 1) The Applicant will submit appropriate fees to staff for recordation with the San Miguel County Assessor's office within six months of approval.

- 2) Amend the plat prior to recordation to void the encroachment agreement for lot 518 at reception number 340741 for utilities and landscaping as it is no longer needed.
- 3) 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.
- 4) The minor subdivision approval is conditioned upon final approval of a density transfer by Town Council.
- 5) Staff has the authority to provide ministerial and conforming comments on the mylar prior to recordation.

## **Section 2. 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 3. 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 4. Effective Date**

This Resolution shall become effective on December 10, 2020 (the "Effective Date") as herein referenced throughout this Resolution.

## **Section 5. Public Hearing**


A public hearing on this Resolution was held on the 10<sup>th</sup> day of December 2020 Remotely via ZOOM WEBINAR:

**Approved** by the Town Council at a public hearing held on December 10, 2020

**Town of Mountain Village, Town Council**

By:   
Laila Benitez, Mayor

**Attest:**

By:   
Susan Johnston, Town Clerk

Approved as to Form:

*Paul Wisor*

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Paul Wisor, Town Attorney