

**RESOLUTION APPROVING A CLASS FIVE SKIER ACCESS TO THE SKI AREA BY THE
GENERAL EASEMENT THROUGH AN INTERVENING LOT, LOT 232BR, 274 BENCHMARK
DRIVE**

Resolution No. 2021-0318-04

- A. The following homeowners constitute the Applicant(s):
- a. John Stathis at 98 Palmyra Drive
 - b. Ann Seifrick at 92 Palmyra Drive
 - c. Chris Steiner at 96 Palmyra Drive
 - d. Gary Buonanno at 103 Palmyra Drive
 - e. David Houston at 109 Palmyra
- B. Caleb Watkins (“Owner”) is the owner of record of real property described as Lot 232BR, 274 Benchmark Drive(“Property”).
- C. The Applicants submitted an Application for skier access to the ski area by the general easement through the Property pursuant to CDC Section 17.3.14.L.1.
- D. The Applicant provided public notice to the Owner consistent with CDC Section 17.3.14.L.1.(c).
- E. The Town Council considered the Application, along with evidence and testimony, at a public meeting held on March 18, 2021
- F. The public meeting referred to above were preceded by publication of public notice of such meeting on such dates on the Town website.
- G. After the public meeting referred to above, the Town Council each individually considered the Application’s submittal materials, and all other relevant materials, public letters, and public testimony, and approved the Application with conditions.
- H. The Town Council finds the Applications meets the criteria for decision contained in CDC Section 17.3.14.L.1 a-d as follows:

Criteria for Council Review

- a. 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).
- b. There is adequate buffering and setback between the general easement and any existing home(s) on the intervening lot(s).
- c. 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 day notice provided prior to the Town Council meeting at which the development application will be considered.
- d. The location of the access to the ski area is approved [by the] 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 SKIER ACCESS TO THE SKI AREA BY THE GENERAL EASEMENT THROUGH A PORTION OF THE GENERAL EASEMENT ON LOT 232BR, 274 BENCHMARK DRIVE AS SHOWN ON EXHIBIT A.

Section 1. Findings and Conditions of Approval

Findings:

1. There is no disturbance of the general easement associated with this request.
2. There is adequate buffering and setback between the ski access area and the home.
3. The applicants provided public notice to the Owner 30 days prior to the Town Council meeting.
4. This area is not required to be groomed for ski area operations.

And the following conditions:

1. The Resolution shall be recorded.
2. The Applicant and Owner acknowledge and understand that any modifications to the general easement requires Town review and approval and/or owner consent consistent with CDC Section 17.3.4.

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 March 18, 2021 (the "Effective Date") as herein referenced throughout this Resolution.

Section 5. Public Hearing


A public meeting on this Resolution was held on the 18th day of March 2021 via virtual Zoom meeting.

Approved by the Town Council at a public hearing held on March 18, 2021.

Town of Mountain Village, Town Council

By: 
Laila Benitez, Mayor

Attest:

By: 
Susan Johnston, Town Clerk

Approved as to Form:

Paul Wisor, Town Attorney

LOT 232 BR



xxxxx Area that we request ski access on Lot 232 BR