

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN
VILLAGE, COLORADO, SETTING FORTH THE PARKING PAYMENT IN
LIEU FEE FOR LOT 42B, UNIT 21C, BLUE MESA LODGE**

Resolution No. 2021-0422-05

WHEREAS, the Town of Mountain Village pursuant to the Community Development Code (the "CDC") allows for parking payment in lieu to the Town's parking fund in limited circumstances as set forth by the CDC.

WHEREAS, The Town Council discussed establishing a parking payment in lieu fee on April 22, 2021 at a Regular Town Council meeting.

WHEREAS, The Town Council desires to set forth the parking payment in lieu fee to be paid to the Town's parking fund for approved payment in lieu at Lot 42B, Unit 21C, Blue Mesa Lodge.

WHEREAS, The Town Council has determined the fee set forth below based on the cost of construction of parking spaces in the Town's parking facilities and the cost to purchase private parking throughout the Town along with similar parking in lieu fees set in recent years.

NOW, THEREFORE, BE IT RESOLVED, the Town of Mountain Village Parking Payment In Lieu fee for Lot 42B, Unit 21C, Blue Mesa Lodge, shall be set at Twelve Thousand Five Hundred Dollars (\$12,500) for ½ parking space. This amount includes a Five Hundred Dollar (\$500) Operations and Maintenance Fee per each ½ unit of parking as required by the CDC.

Section 2. Conditions of Approval.

The Town Council approved the parking payment in lieu with the following conditions:

1. Prior to recordation of any Ordinance approving a Density Transfer and Rezone, the owners shall enter into a Development Agreement with the Town based on the Parking In-Lieu Fee and Operations & Maintenance Fee established by the Town Council. This agreement shall outline the amount and timing in which payment shall be made.
2. Direct staff and the town attorney to establish reasonable terms within the parking payment in lieu agreement such as period of time by which the parking payment is required to be made, and any other necessary term.
3. Direct staff to record the Ordinance and Development Agreement concurrently.

Section 3. 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and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the resolutions repealed or amended as herein provided and the same shall be construed and concluded under such prior resolutions.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 4. 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 5. Effective Date

This Resolution shall become effective on April 22, 2021 (the "Effective Date") as herein referenced throughout this Resolution.

Section 6. Public Hearing

A public meeting on this Resolution was held on the the 22nd day of April held virtually via zoom meeting, via the following link: https://zoom.us/webinar/register/WN_2jymE_wLRg-gcgwIkhr1Mg,

Approved by the Town Council at a public hearing held on April 22, 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