

ORDINANCE NO. 2021-10

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO APPROVING A VESTED PROPERTY RIGHTS EXTENSION FOR A SITE-
SPECIFIC DEVELOPMENT PLAN AT LOT 1003R-1, 433 MOUNTAIN VILLAGE
BOULEVARD, GONDOLA PARKING GARAGE**

RECITALS

- A. The Town of Mountain Village (the “**Town**”) is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado (the “**Constitution**”) and the Home Rule Charter of the Town (the “**Charter**”); and,
- B. Pursuant to the Constitution, the Charter, the Colorado Revised Statutes and the common law, the Town has the authority to regulate the use and development of land and to adopt ordinances and regulations in furtherance thereof; and,
- C. The Town of Mountain Village (“the **Applicant**”) is the owner of record of real property described as Lot 1003R-1, Town of Mountain Village as further described on the plat recorded on July 1, 2015 in Plat Book 1 at Pages 4739 and 4740 at Reception Number 438225 (the “**Property**”); and,
- D. The Design Review Board approved an application in August 2011 allowing an additional two floors to be constructed on top of the existing parking garage structure. The Applicant subsequently requested four (4) one (1) year extensions expiring on August 9, 2011; and,
- E. The Town Council approved an extension to the Vested Property Rights for the DRB approved Design on October 20, 2011 as recorded at Reception Number 420304; and,
- F. The Town Council Approval created a vested property right for a period of ten (10) years that was valid until October 20, 2021 (the “**Vested Property Right**”); and,
- G. The Applicant submitted a Vested Property Right Extension development application on February 15, 2021 seeking a further extension of the Vested Property Right to October 20, 2031 (the “**Vested Property Rights Extension Application**”); and,
- H. The Vested Property Rights Extension Application has been processed and evaluated pursuant to the Town of Mountain Village Community Development Code (the “**CDC**”); and,
- I. The Design Review Board conducted a public hearing on the Vested Property Rights Extension Application in accordance with the CDC on April 22, 2021 and with public notice of such application as required by the public hearing noticing requirements of the CDC. The DRB considered the Applications, testimony, and public comment and recommended to the Town Council that the Vested Property Rights Extension Application be approved with conditions pursuant to the requirement of the CDC; and,
- J. At its regularly scheduled meeting held on May 20, 2021 the Town Council conducted a first reading of an ordinance and set a public hearing, pursuant to the Town Charter.
- K. On June 17, 2021, Town Council held a second reading and public hearing on the ordinance and approved with conditions the Application.

- L. The meeting held on April 22, 2021 was duly publicly noticed as required by the CDC Public Hearing Noticing requirements, including but not limited to notification of all property owners within 400 feet of the Property, posting of a sign and posting on the respective agendas.
- M. The Town Council finds the proposed Vested Property Rights Extension Application meets the Vested Property Rights criteria for decision contained in CDC Section 17.4.17 as follows:
 - 1. A vested property right is warranted in light of relevant circumstances, such as the size and phasing of the development, economic cycles, and market conditions.
 - 2. The site-specific development plan is consistent with public health, safety, and welfare.
 - 3. The site-specific development plan provides for the construction and financing of improvements and facilities needed to support the proposed development.
 - 4. The site-specific development plan meets the criteria for decision for a concurrent, required development application(s);

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES THE APPLICATION SUBJECT TO THE FOLLOWING CONDITIONS.

- 1. Prior to the recordation of the Ordinance approving the Extended Vested Property Rights and site-specific development plan, the Owner shall revise all documents to include the following statement: " Approval of this site-specific development plan may create a vested property right pursuant to C.R.S. § 24-68-101et seq. and subject to the Town of Mountain Village's Community Development Code."
- 2. The Town shall publish in the newspaper of record within 14 days of approval a notice describing that a vested property right has been created/extended consistent with CDC Section 17.4.17(E)(4).
- 3. All previous conditions of approval from the original 2007 Design Review approval as well as the 2011 vested property rights extension approval remain applicable for any future development.

Section 1. Vested Property Right Extension

- A. The Vested Property Right is hereby extended for a period of ten (10) additional years until October 20, 2031.

Section 2. Ordinance Effect

All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

Section 3. Severability

The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

Section 4. Effective Date

This Ordinance shall become effective on July 17, 2021 following public hearing and approval by Council on second reading.

Section 5. Public Hearing

A public hearing on this Ordinance was held on the 17th day of June 2021 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 20th day of May 2021.

TOWN OF MOUNTAIN VILLAGE

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: 
Laila Benitez, Mayor

ATTEST:



Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 17th day of June 2021

**TOWN OF MOUNTAIN VILLAGE
TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: 
Laila Benitez, Mayor

ATTEST:


Susan Johnston, Town Clerk

Approved as To Form:


Paul Wisor, Town Attorney

I, Susan Johnston, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. 2021-10 ("Ordinance") is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on May 10, 2021, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor	X			
Dan Caton, Mayor Pro-Tem	X			
Martinique Davis Prohaska	X			
Peter Duprey	X			
Patrick Berry	X			
Natalie Binder	X			
Jack Gilbride	X			


3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on May 26, 2021 in accordance with Section 5.2b of the Town of Mountain Village Home Rule Charter.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on June 17, 2021. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor	X			
Dan Caton, Mayor Pro-Tem	X			
Martinique Davis Prohaska	X			
Peter Duprey	X			
Patrick Berry	X			
Natalie Binder	X			
Jack Gilbride	X			

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 17th day of June 2021.


 Susan Johnston, Town Clerk

(SEAL)

