

**RESOLUTION OF THE TOWN COUNCIL  
OF MOUNTAIN VILLAGE, RESOLUTION APPROVING A MINOR SUBDIVISION TO REPLAT  
WINTERLEAF CONDOMINIUMS, LOT 164A LAND CONDO UNITS 1-6 INTO SEPARATELY  
PLATTED LOTS 164A-1, 164A-2, 164A-3, 164A-4, 164A-5, 164A-6.**

**RESOLUTION NO. 2022-0721-10**

- A. Iuvo Construction the owners ("Owners") of record of real property described as Winterleaf Condominium Unit 1, Lot 164A.
- B. Cohen 1991 Family Trust, Martin & Sharleen Cohen, Trustee is the owner ("Owners") of record of real property described as Winterleaf Condominium Unit 2, Lot 164A.
- C. The Cohen Family Trust of 1991, Martin L. Cohen, Trustee and Sharleen Cooper Cohen, Trustee are the owners ("Owners") of record of real property described as Winterleaf Condominium Unit 3, Lot 164A.
- D. Frank M. Orson and Lillian W. Orson the owners ("Owners") of record of real property described as Winterleaf Condominium Unit 4, Lot 164A.
- E. Raymond Von Drehle and Ronnie Von Drehle the owner ("Owners") of record of real property described as Winterleaf Condominium Unit 5, Lot 164A.
- F. David O'Brien and Amy O'Brien the owners ("Owners") of record of real property described as Winterleaf Condominium Unit 6, Lot 164A.
- G. The Owners have authorized the Law Offices of Thomas G. Kennedy to pursue the approval of the minor subdivision application to replat Lot 164A, Winterleaf condominium units 1-6 into separately platted Lots 164A-1, 164A-2, 164A-3, 164A-4, 164A-5, 164A-6 and ("Application").
- H. The Application is in compliance with the provisions of the Subdivision Regulations contained in Community Development Code ("CDC") Section 17.4.13.
- I. The Town Council considered this Application, along with evidence and testimony, at a public meeting held on July 21, 2022.
- J. The Owners have addressed, or agreed to address, all conditions of approval of the Application imposed by Town Council.
- K. The Town Council finds that the minor subdivision meets the criteria for decision set forth in Section 17.4.13 of the CDC.
  - 1. The lots resulting from the adjustment or vacation are in compliance with Town Zoning and Land Use Regulations and Subdivision Regulations, because without limitation the lot area and zoning or zoning designations are not changing, open space is not being impacted, and the lot coverage will remain unchanged;
  - 2. The proposed subdivision is in general conformance with the goals, policies and provisions of the Comprehensive Plan because the lot and the surrounding area will remain primarily single-family in nature;
  - 3. General Easements and setbacks 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, because without limitations the General Easements are not being affected by this minor subdivision; and
4. The proposed subdivision meets all applicable Town regulations and standards.

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES THE MINOR SUBDIVISION AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO THE FOLLOWING FINDINGS AND CONDITIONS:**

Findings:

1. That the replat application meets the criteria for review found at CDC Section 17.4.13
2. That the Town Council is also approving the existing general easement encroachments regarding lots 3, 4 & 5 and the associated general easement encroachment agreements will be recorded concurrently with the minor subdivision plat.
3. The replat is in general conformance with the comprehensive plan.
4. The replat is consistent with the subdivision regulations.
5. The town will help facilitate readdressing the subdivision properties in cooperation with the 911 coordinator.

Conditions:

1. The length of validity is 18 months in which the replat should be recorded.
2. Ministerial redline amendments will be incorporated by staff prior to recordation.
3. That the associated rezone is approved.
4. The applicant pay the recordation fees.
5. A plat note be added related to the HOA's responsibility for upkeep and maintenance of the water and sewer lines consistent with the public work director's referral comments.
6. A plat note and development agreement related to the concurrent subdivision approval prohibiting lot line vacations and lot line adjustments that would allow for a larger home than the original condominium subdivision would have allowed based on the application of the requirements of the CDC.
7. All associated legal instruments will be recorded concurrently with the subdivision map, resolution and rezone ordinance.

**Be It Further Resolved** Lot 164A Condo Units 1-6 may be replatted as submitted in accordance with Resolution NO. 2022-0721-10.

**Section 1. 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 2. 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 3. Effective Date**

This Resolution shall become effective on July 21, 2022 (the "Effective Date") as herein referenced throughout this Resolution.

**Section 4. Public Meeting**


A public meeting on this Resolution was held on the July 21, 2022 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

**Approved** by the Town Council at a public meeting held on July 21, 2022.

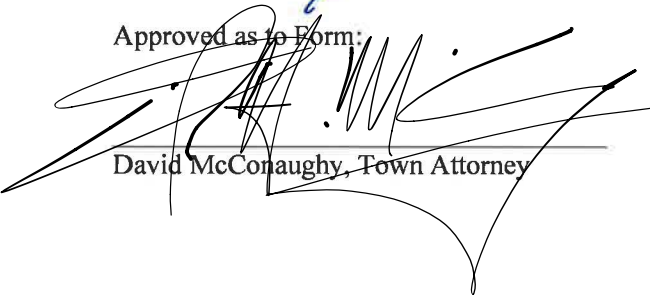
**Town of Mountain Village, Town Council**

By:  \_\_\_\_\_  
Laila Benitez, Mayor

**Attest:**

  
By: \_\_\_\_\_  
Susan Johnston, Town Clerk

Approved as to Form:

  
\_\_\_\_\_  
David McConaughy, Town Attorney