A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO CONDITIONALLY APPROVING A MAJOR SUBDIVISION FOR OS-3BR-2 AND OS-3XRR

RESOLUTION NO. 2023-0518-09

WHEREAS, the Town of Mountain Village ("Town") owns certain real property described as vacant tracts OS-3BR-2 and OS-3XRR, Mountain Village Boulevard, Mountain Village, Colorado, according to the respective plats recorded as Reception Nos. 416994 and 405665 (together, the "Property"); and

WHEREAS, Merrimac Fort Partners, LLC (the "Applicant"), on behalf of the Town, has submitted a Major Subdivision application to the Town to replat the Property ("Property Replat") into four open space parcels (the "Application") to facilitate the future conveyance of portions of the Property to Applicant for the purpose of combining said portions with Lot 161-CR, as approved by Resolution 2022-0908-14 and as part of the Site-Specific Planned Unit Development ("Lot 161C-RR SPUD") and associated Major Subdivision for Lots 161C-R, 67, 69R-2 and 71R, Tract OS-3Y, and portions of the Property to be re-platted as Lot 161C-RR, also known as the Four Seasons Hotel; and

WHEREAS, the Applicant, as developer of Lot 161C-RR, was required to submit the Application as a condition of approval of the Lot 161C-RR SPUD pursuant to Ordinance 2022-09; and

WHEREAS, the Application consists of the materials submitted to the Town and itemized on <u>Exhibit A</u>, plus all statements, representations, and additional documents of the Applicant and its representatives made or submitted at the public meetings and hearings before the DRB and Town Council; and

WHEREAS, the DRB held a public hearing on May 4, 2023, to consider the Application and testimony and comments from the Applicant, Town Staff, and members of the public, and voted unanimously to issue a recommendation of approval to Town Council of the Application, subject to conditions; and

WHEREAS, the Town Council held a public meeting on May 18, 2023, to consider the Application, the DRB's recommendations, and testimony and comments from the Applicant, Town Staff, and members of the public, and voted unanimously to approve this Resolution ("Subdivision Approval"); and

WHEREAS, the public hearings and meetings to consider the Application were duly noticed and held in accordance with the Town's Community Development Code ("CDC"); and

WHEREAS, the Town Council has considered the criteria set forth in Section 17.4.13 of the CDC and finds that each of the following have been satisfied or will be satisfied upon compliance with the conditions of this Resolution set forth below:

- 1. The proposed subdivision is in general conformance with the goals, policies and provisions of the Comprehensive Plan;
- 2. The proposed subdivision is consistent with the applicable Zoning and Land Use Regulations and any PUD development agreement regulating development of the property;
- 3. The proposed density is assigned to the lot by the official land use and density allocation, or the applicant is processing a concurrent rezoning and density transfer;
- 4. The proposed subdivision is consistent with the applicable Subdivision Regulations;

- 5. Adequate public facilities and services are available to serve the intended land uses;
- 6. The applicant has provided evidence to show that all areas of the proposed subdivision that may involve soil or geological conditions that may present hazards or that may require special precautions have been identified, and that the proposed uses are compatible with such conditions;
- 7. 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; and
- 8. The proposed subdivision meets all applicable Town regulations and standards.

WHEREAS, the Town Council now desires to approve the Application, subject to the terms and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mountain Village, Colorado, that:

<u>Section 1. Recitals</u>. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Ordinance.

<u>Section 2. Approvals</u>. The Town Council hereby approves the Application and the related Property Replat, attached hereto as <u>Exhibit B</u> and incorporated by reference herein, subject to the conditions set forth below. All exhibits to this Resolution are available for inspection at the Town Clerk's Office.

Section 3. Conditions. The Approval is subject to the following terms and conditions:

- 3.1. Town Staff will review and must approve the final proposed Property Replat to verify consistency with CDC Section 17.4.13.N Plat Standards, including subsection 3 Plat Notes and Certifications, and provide redline comments to the Applicant prior to execution of the final mylar.
- 3.2. Town Staff has the authority to provide ministerial and conforming comments on the mylar prior to recordation of the Property Replat.
- 3.3. Permanent monuments on the external boundary of the subdivision shall be set within thirty (30) days of the recording of the Property Replat. Block and lot monuments shall be set pursuant to C.R.S. § 38-51-101. All monuments shall be located and described. Information adequate to locate all monuments shall be noted on the Property Replat.
- 3.4. All recording fees related to the recording of the Property Replat in the records of the San Miguel County Clerk and Recorder shall be paid by the Applicant within six (6) months of this Subdivision Approval.
- 3.5. All representations of the Applicant, whether within the Subdivision Application materials or made at the DRB or Town Council meetings, are conditions of this approval.

Section 4. Effective Date. This Resolution shall be in full force and effect upon its passage and adoption.

<u>Section 5. Recordation</u>. This Resolution approving the Subdivision Approval shall be recorded concurrently with the recordation of the Property Replat.

ADOPTED AND APPROVED by the Town of Mountain Village Town Council at a regular public meeting held on May 18, 2023.

TOWN OF MOUNTAIN VILLAGE, COLORADO

Rv.

Laila Benitez, Mayor

ATTEST:

Susan Johnston, Town Clerk

APPROVED AS TO FORM:

David McConaughy, Town Attorney

Exhibit A

(Major Subdivision OS-3BR-2 & OS-3XRR)

- 1. Title Commitment dated 3.06.23
- 2. Existing Conditions Survey dated 3.08.23
- 3. Proposed Replat dated 1.17.23
- 4. Major Subdivision Application signed by TOMV
- 5. Major Subdivision Application signed by Merrimac Fort Partners as agent
- 6. Narrative, undated

Exhibit B [PROPERTY REPLAT]

Tract OS-3BR-2R-1, Tract OS-3BR-2R-2, Tract OS-3XRR-1, and Tract OS-3XRR-2

A Subdivision of Tract OS-3BR-2 and Tract OS-3XRR, located within the NE 1/4 of Section 3, T.42N., R.9W. and the SE 1/4 of Section 34, T.42N., R.9W., N.M.P.M., lying within the Town of Mountain Village, County of San Miguel, State of Colorado

CERTIFICATE OF OWNERSHIP KNOW ALL PERSONS BY THESE PRESENTS:

That the Town of Mountain Village, a Colorado Home—charter—rule municipality (the "Town"), is the owner in fee simple of:

TRACT OS-3BR-2, MOUNTAIN VILLAGE,
ACCORDING TO THE PLAT OF LOT 109R AND
TRACT OS-3BR-2, TOWN OF MOUNTAIN VILLAGE,
A REPLAT OF LOTS 73-76R, 109, 110, TRACT
89-A AND TRACT OS-3BR-1, TOWN OF
MOUNTAIN VILLAGE RECORDED MARCH 18, 2011
IN PLAT BOOK 1 AT PAGE 4455,

COUNTY OF SAN MIGUEL, STATE OF COLORADO.

AND

TRACT OS-3XRR, MOUNTAIN VILLAGE, ACCORDING TO THE PLAT OF LOT 38-50-51R, TRACT OS-3CRR AND TRACT OS-3XRR, TOWN OF MOUNTAIN VILLAGE, A REPLAT OF LOT 38R, LOT 50-51R, TRACT OS-3CR AND TRACT OS-3X, TOWN OF MOUNTAIN VILLAGE, RECORDED FEBRUARY 11, 2009 IN PLAT BOOK 1 AT PAGE 4061.

COUNTY OF SAN MIGUEL, STATE OF COLORADO.

THE OWNER DOES HEREBY MAKE, EXECUTE, DELIVER, AND ENTER INTO this Replat under the name and style of "TRACT OS-3BR-2R-1, TRACT OS-3BR-2R-2, TRACT OS-3XRR-1, AND TRACT OS-3XRR-2, A SUBDIVISION OF TRACT OS-3BR-2 AND TRACT OS-3XRR, LOCATED WITHIN THE NE 1/4 OF SECTION 3, T.42N., R.9W. AND THE SE 1/4 OF SECTION 34, T.42N., R.9W., N.M.P.M., LYING WITHIN THE TOWN OF MOUNTAIN VILLAGE, COUNTY OF SAN MIGUEL, STATE OF COLORADO" (the "Replat");

AND

THEREBY, CREATE the following new lots (the "Replatted Lots/Tracts"):

1. Tract OS-3BR-2R-1, Tract OS-3BR-2R-2, Tract OS-3XRR-1, and Tract OS-3XRR-2

THEREBY, DELETES the following new lots (the "Deleted Lots/Tracts"):

1. TRACT OS-3XRR and TRACT OS-3BR-2

OWNER SIGNATURES

TOWN OF MOUNTAIN VILLAGE, a home rule municipality and political subdivision of the state of

By: MoPronasia

ACKNOWLEDGMENT

STATE OF COLORADO

COUNTY OF SAN MIGUEL)

Acknowledged before me this ______ day of _______, 2023 by _______, 2023 by _______, 2023 by _______, 2023 by _______, Mayor of the Town of Mountain Village, a home rule municipality and political subdivision of the state of Colorado

My commission expires 아니 아니 2025

Witness my hand and seal.

Notary Public

Kimberiy Schooley

NOTARY PUBLIC

STATE OF COLORADO

NOTARY ID# 20214013549

MY COMMISSION EXPIRES 04/06/2025

SHEET INDEX

Page 1 — Certifications and notes

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PARCEL AREA SUMMARY

Current Lot	Acreage
TRACT OS—3XRR TRACT OS—3BR—2	2.935 acres 1.968 acres
TOTAL	4.903 acres

Replatted Lot\Tracts Acreage Tract OS−3BR−2R−1 1.906 acres Tract OS−3BR−2R−2 0.062 acres Tract OS−3XRR−1 2.511 acres Tract OS−3XRR−2 0.424 acres

Total 4.903 acres

TITLE INSURANCE COMPANY CERTIFICATE

Land Title Guarantee Company does hereby certify that we have examined the title to the lands herein shown on this Replat and that the title to this land is in the name of the Town of Mountain Village, a home rule municipality and political subdivision of the State of Colorado and is free and clear of all liens and taxes, except as follows: Deed of Truot feed at the colorado.

NOTES

1. Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended and The Community Development Code of the Town of Mountain Village

2. Easement research from Land Title Guarantee Company

- a. Land Title Guarantee Company, Order Number ABS86013616 dated March 16, 2023 at 5:00 P.M. as to Tract OS-3XRR and Tract OS-3BR-2, Town of Mountain Village
- 3. SURVEY NOTES
- a. BASIS OF BEARINGS. The bearing from monument "Overpass" to monument "Rim", as shown monumented hereon, was assumed to bear N31°16'24"W according to Banner Associates, Inc. project bearings.
- b. LINEAL DISTANCES shown hereon measured in US survey feet.
- 4. Notice is hereby given that the area included in the plat described herein is subject to the regulations of the Community Development Code of the Town of Mountain Village.
- 5. The approval of this Replat vacates all prior plats for the area described in the Legal Description as shown hereon in the Certificate of Ownership.

6. NOTICE: According to Colorado law you must commence any legal action based upon defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

This Major Subdivision is approved per Resolution No. 2023-0518-09

TOWN OF MOUNTAIN VILLAGE APPROVAL

MONTHINIQUE

I, PYDNOSUD as Mayor of the Town of

Mountain Village, Colorado, do hereby certify
that this plat has been approved by the Town
Council in the same resolution that has
authorized and directed us to execute this
document.

MOPohoso 9/20/23
______, Mayor, Date

ACKNOWLEDGMENT

State of Colorado)

County of San Miguel) ss

The foregoing signature was acknowledged before me this _20_ day of SCP+CMDV _____, 20 23_ A.D. by Marringw Prohastons Mayor of the Town of Mountain Village.

My commission expires
OH OV 2025

NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID# 20214013549

Witness my hand and sealer COMMISSION EXPIRES 04/06/2025

Notary Public

PLANNING APPROVAL

I, AMM Wav d _____, as
Community Development Director of Mountain
Village, Colorado, do hereby certify that this
Replat has been approved by the Town in
accordance with the Community Development

Community Development Director

SURVEYOR'S CERTIFICATE

I, David R. Bulson of Bulson Surveying, a Professional Land Surveyor licensed under the laws of the State of Colorado, do hereby certify that this TRACT OS-3BR-2R-1, TRACT OS-3BR-2R-2, TRACT OS-3XRR-1, AND TRACT OS-3XRR-2, A SUBDIVISION OF TRACT OS-3BR-2 AND TRACT OS-3XRR, LOCATED WITHIN THE NE 1/4 OF SECTION 3, T.42N., R.9W. AND THE SE 1/4 OF SECTION 34, T.42N., R.9W., N.M.P.M., LYING WITHIN THE TOWN OF MOUNTAIN VILLAGE, COUNTY OF SAN MIGUEL, STATE OF COLORADO as shown hereon has been prepared under my direct responsibility and checking, and accurately represents a survey conducted under my direct supervision. This survey complies with applicable provisions of Title 38, Article 51, C.R.S. to the best of my knowledge and belief.

IN WITNESS HEREOF, I here unto affix my hand and official seal this _____ day of

P.L.S. No. 37662

ONAL L

TREASURER'S CERTIFICATE

I, the undersigned, Treasurer of the County of San Miguel, do hereby certify that according to the records of the San Miguel County Treasurer there are no liens against the subdivision or any part thereof for unpaid state, county, municipal or local taxes or special assessments due and payable, in accordance with County Village Municipal Code Section 17.443

Dated this 18 day of September, 2023.

r. mmus

San Miguel//County Treasurer

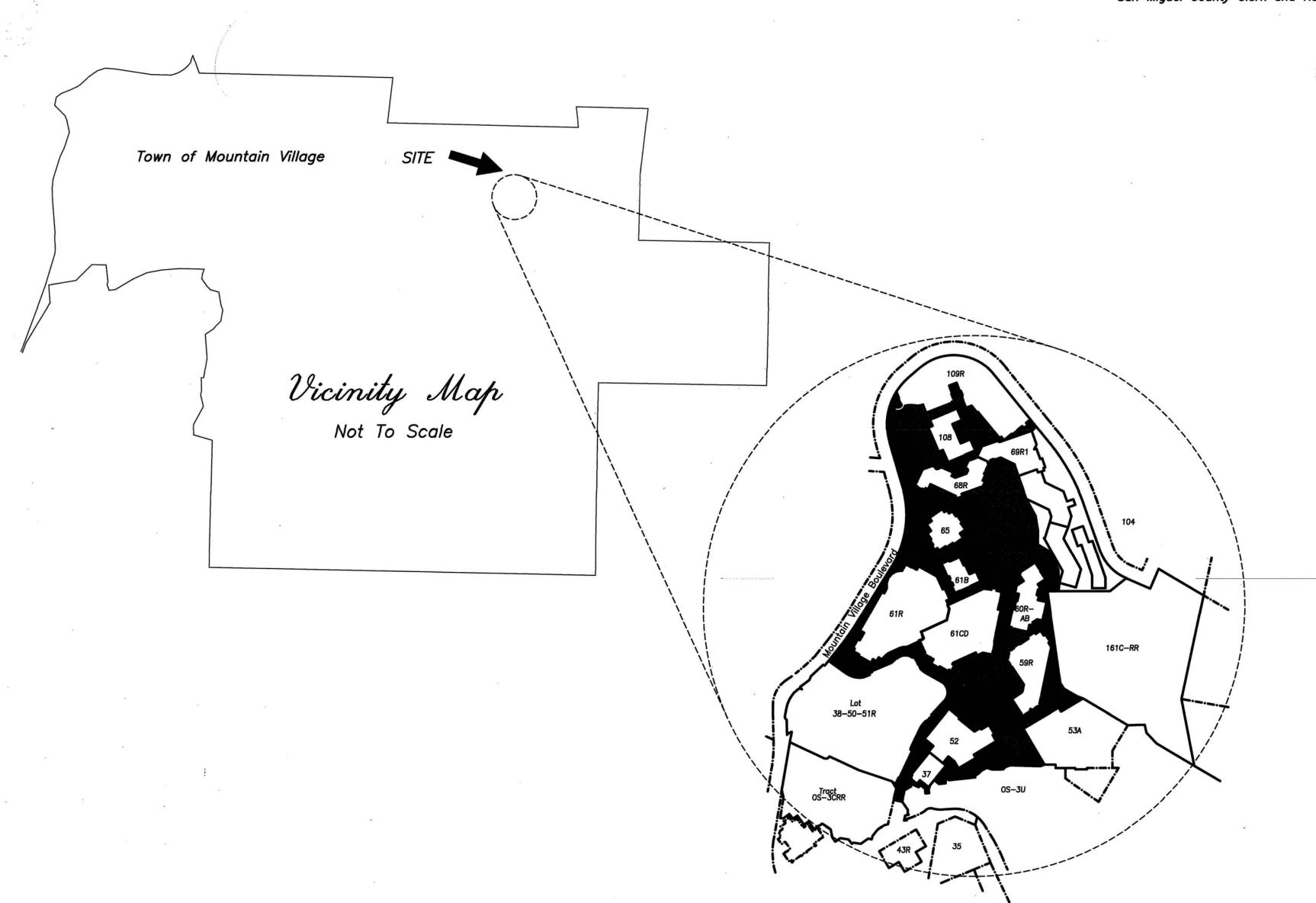
RECORDER'S CERTIFICATE

This Replat was filed for record in the office of the San Miguel County Clerk and Recorder on this 2011 day of September, 2023, at

Reception No. 482496
Time 2:30pm

SVan Name

San Miguel County Clerk and Recorder



CERTIFICATIONS AND VICINITY MAP

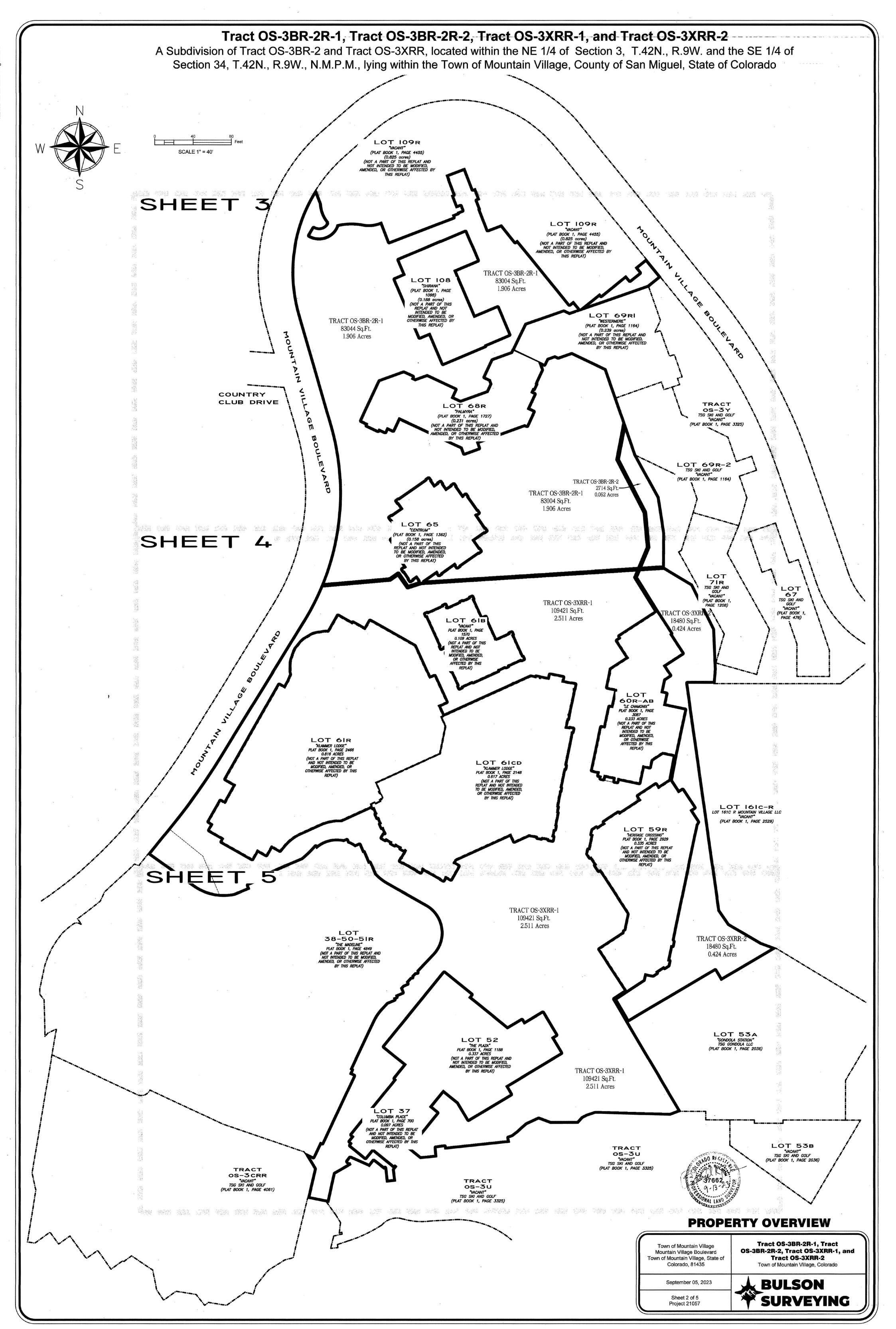
Town of Mountain Village
Mountain Village Boulevard
Town of Mountain Village, State of
Colorado, 81435

Tract OS-3BR-2R-1, Tract
OS-3BR-2R-2, Tract OS-3XRR-1, and
Tract OS-3XRR-2
Town of Mountain Village, Colorado

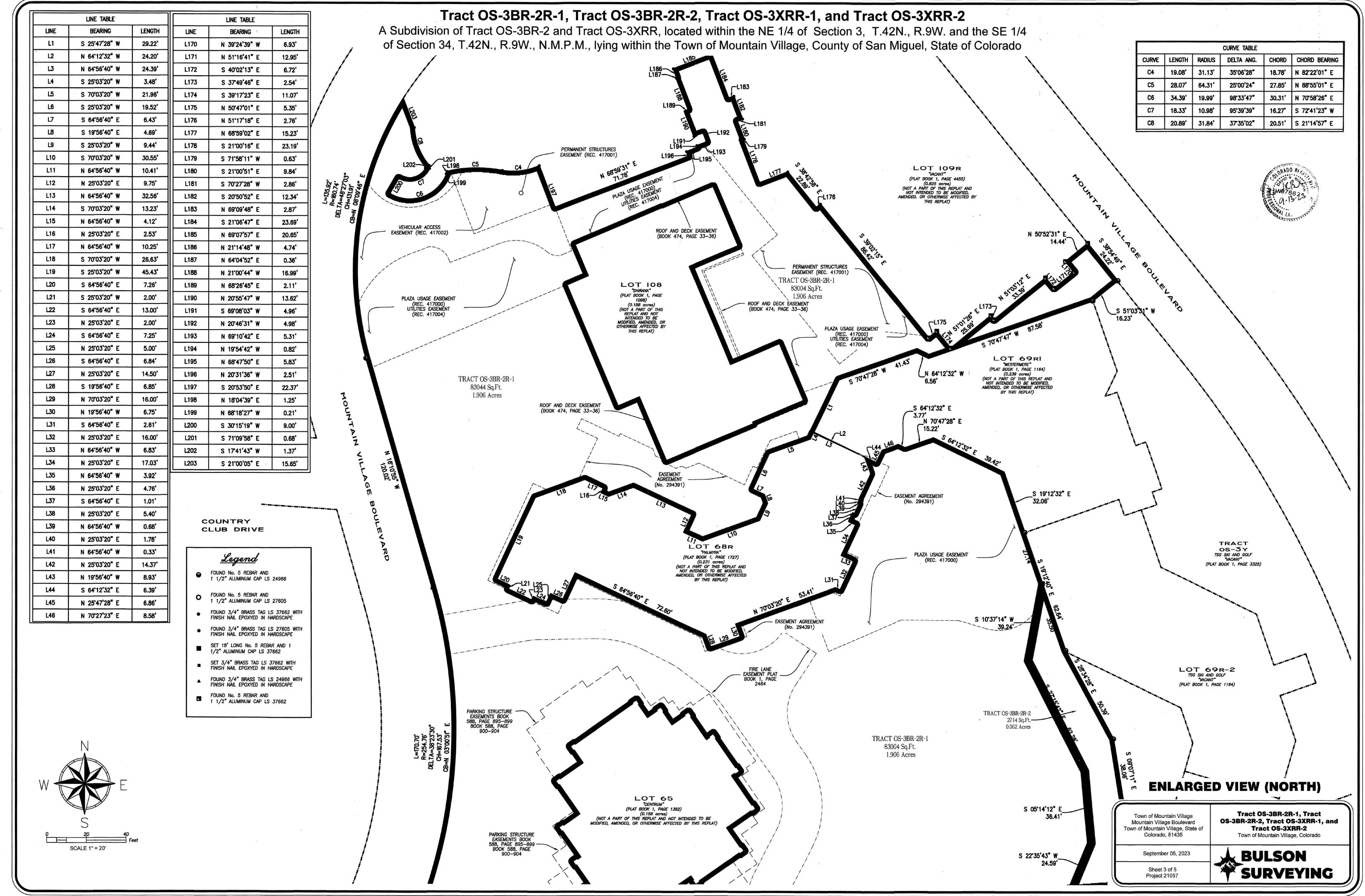
September 05, 2023
Sheet 1 of 5

Project 21057

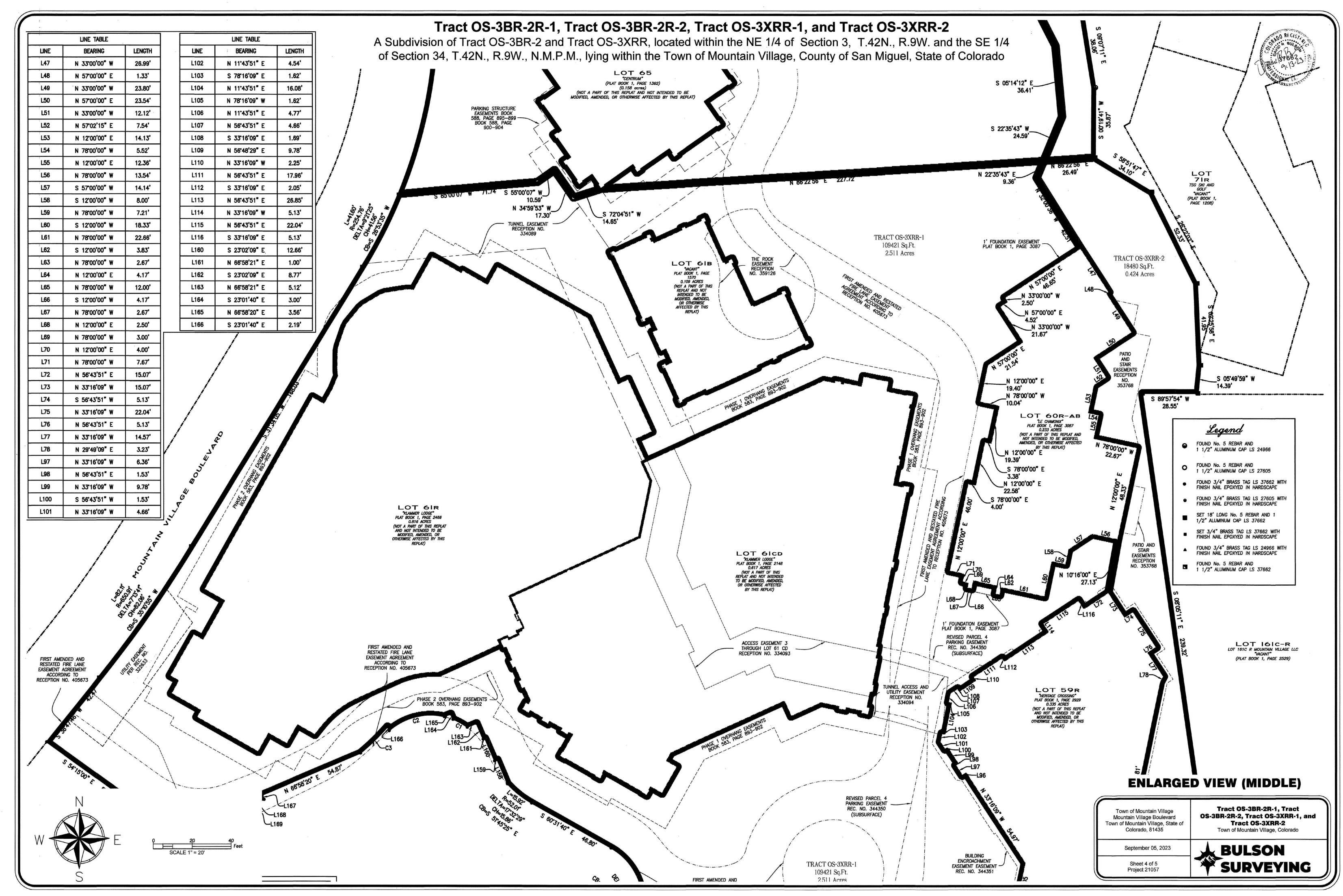
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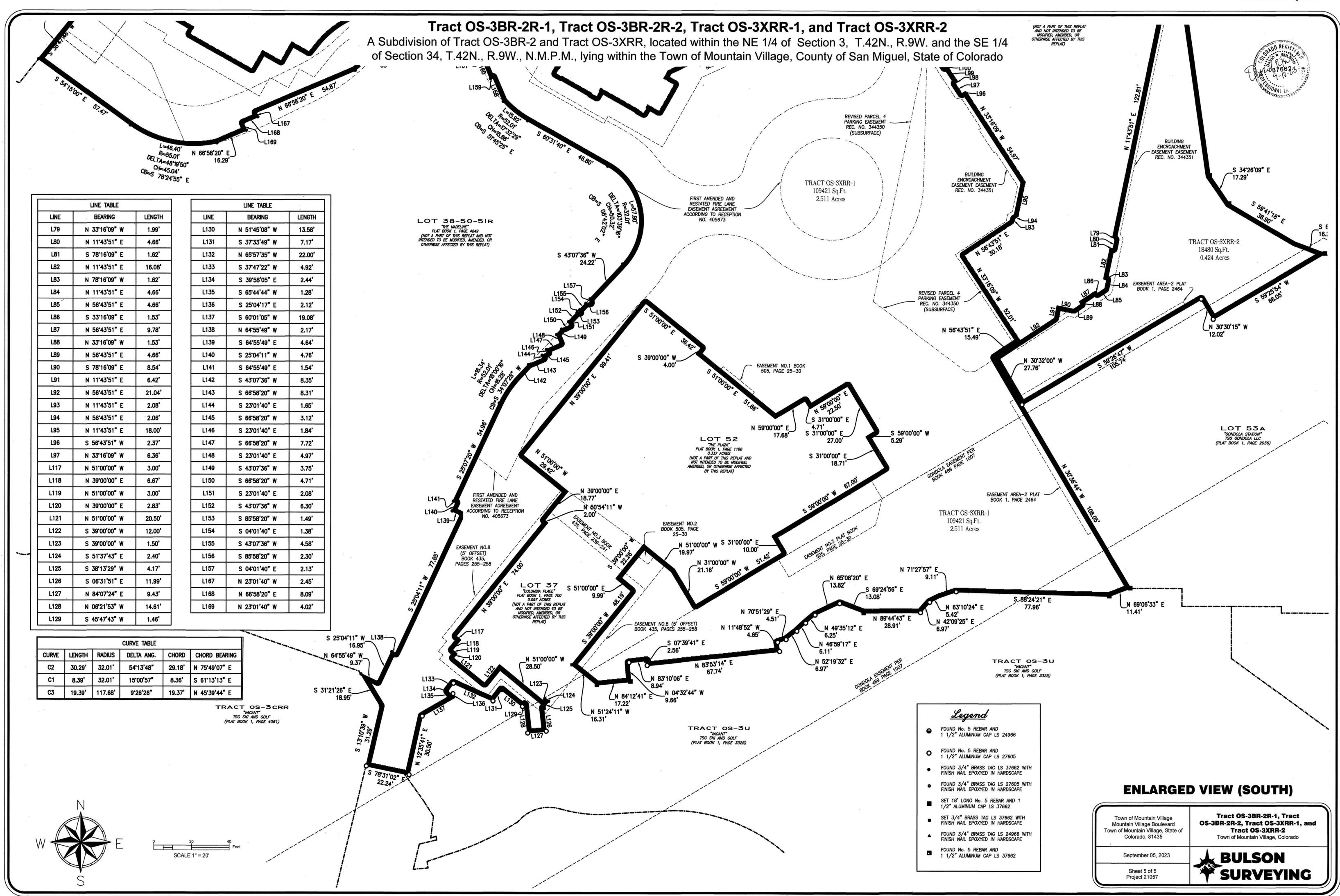
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