

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO CONDITIONALLY APPROVING A MINOR SUBDIVISION FOR
LOTS 373R AND 374R (TO BE REPLATTED AS LOT 374R2)**

RESOLUTION NO. 2024-0919-16

WHEREAS, All Views LLC, a Colorado limited liability company, and DAMB Properties LLC, a Colorado limited liability company (collectively, the “Owners”), are the owners of certain real property described as Lot 373R and Lot 374R, respectively, commonly known as 539 Benchmark Drive, Mountain Village, Colorado (together, the “Property”); and

WHEREAS, All Views LLC and DAMB Properties LLC (together, the “Applicant”) have submitted a Minor Subdivision application to the Town of Mountain Village (the “Town”) to replat the Property into a single parcel known as Lot 374R2 (“Subdivision Application”); and

WHEREAS, the Applicant has applied to transfer certain density in connection with its Subdivision Application (“Density Application”), which is being concurrently processed and considered by the Town of Mountain Village Design Review Board (“DRB”) and the Town of Mountain Village Town Council (“Town Council”); and

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

WHEREAS, the DRB held a public hearing on September 5, 2024, to consider the Density 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 Density Application, subject to conditions; and

WHEREAS, the Town Council held a public hearing on September 19, 2024 to consider the Subdivision Application, the DRB’s recommendations, and testimony and comments from the Applicant, Town Staff, and members of the public, and voted 7-0 to approve this Resolution (“Subdivision Approval”); and

WHEREAS, the public hearings and meetings to consider the Subdivision 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.E.2 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 lots resulting from the adjustment or vacation are in compliance with Town Zoning and Land Use Regulations and Subdivision Regulations;
2. The proposed subdivision is in general conformance with the goals, policies and provisions of the Comprehensive Plan;
3. 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;
4. Easements 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; and

5. The proposed subdivision meets all applicable Town regulations and standards.

WHEREAS, the Town Council now desires to approve the Subdivision Application and the related Property Replat, 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:

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

Section 2. Approvals. The Town Council hereby approves the Subdivision Application and the related Property Replat, attached hereto as Exhibit B 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 Subdivision Approval is subject to the following terms and conditions:

3.1. The Town Council must separately approve the related Density Application for the Property ("Density Approval"). If the Density Approval is not approved within ninety (90) days after adoption of this Resolution, this Resolution shall become null and void.

3.2. All conditions of the Density Approval are conditions of this Subdivision Approval.

3.3. 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.

3.4. Prior to recordation, the applicant shall include a signature block on the plat document for Telluride Ski Resort to sign off on the vacation of the General Easement that exists between Lots 373R and 374R.

3.5. Town Staff has the authority to provide ministerial and conforming comments on the mylar prior to recordation of the Property Replat.

3.6. 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.

3.7. All representations of the Applicant, whether within the Subdivision Application materials or made at the DRB or Town Council meetings, are conditions of this Subdivision Approval.

3.8. The subdivision approval is valid for 18 months.

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

Section 5. Recordation. 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 September 19, 2024.

TOWN OF MOUNTAIN VILLAGE, COLORADO

By: 

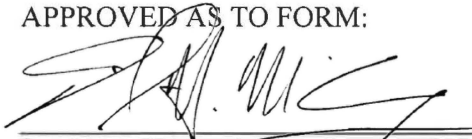
Martinique Prohaska, Mayor

ATTEST:



Susan Johnston, Town Clerk

APPROVED AS TO FORM:



David McConaughy, Town Attorney

Exhibit A

[LIST OF SUBDIVISION APPLICATION MATERIALS]

Exhibit B

[PROPERTY REPLAT]

Exhibit A

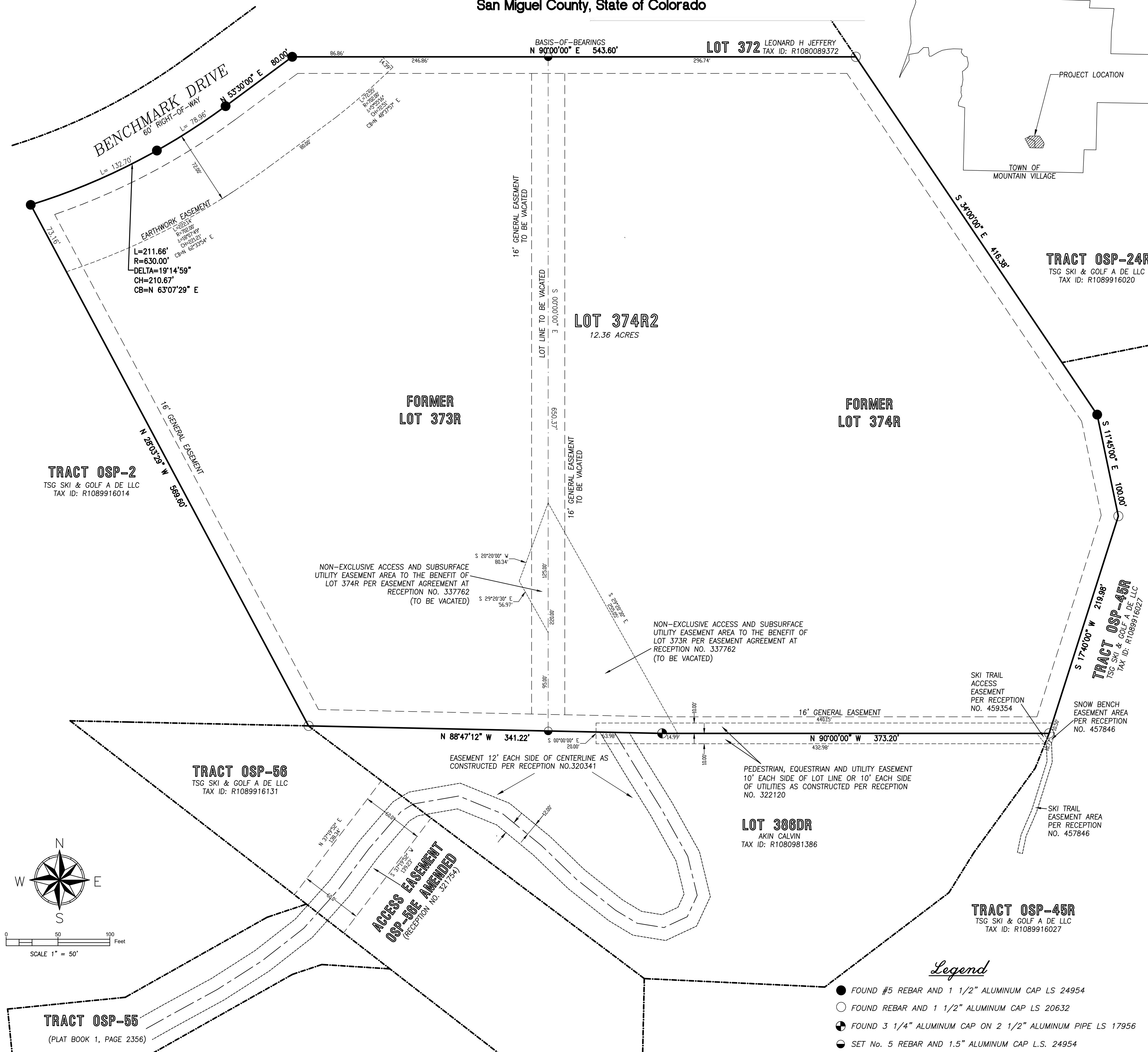
1. Application dated 07/14/2024
2. Development Narrative dated 07/12/2024

Exhibit B

[PROPERTY REPLAT]

**Lot 374R2, Telluride Mountain Village,
a Replat to vacate the lot line between Lot 373R and Lot 374R, Town of Mountain Village
located within S10 T42N R9W N.M.P.M.
San Miguel County, State of Colorado**

Vicinity Map
NOT TO SCALE



NOTES:

- Approval of this plat may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended.
- Easement research and property description from Land Title Guarantee Company, Order Number 1LR6015421, dated March 20, 2024 at 5:00 P.M.
- NOTES OF CLARIFICATION:
 - The Configuration of the following lots, tracts, and right-of-way have been modified by this plat: none
 - The following lots have been created by this plat: Lot 374R2
 - The following lots have been deleted by this plat: Lot 373R and Lot 374R
- The Basis of Bearings for this survey is based on the found rebar and monuments along the northern boundary of Lot 374R and 373R. The bearing along this boundary was measured as N 90°00'00" W according to the replat recorded October 31, 2000 in Plat Book 1 at page 2820, County of San Miguel, State of Colorado.
- Lineal units represented hereon are shown in U.S. Survey Feet or a decimal portion thereof.
- This survey is valid only if a print or electronic copy has a seal and signature of the surveyor noted within the statement above.
- Any person who knowingly removes, alters, or defaces any public land survey monument and/or boundary monument or accessory, commits a class two (2) misdemeanor pursuant to C.R.S. 18-4-50B.
- The word certify as used hereon means an expression of professional opinion regarding the facts of this survey and does not constitute a warranty or guarantee, expressed or implied.
- This survey is prepared for the exclusive use of the party or parties indicated within the surveyor's statement. Said statement does not extend to any unnamed person or parties without an express statement by the surveyor naming said entities.
- NOTICE: According to Colorado law, you must commence any legal action based upon any 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.
- Town of Mountain Village Resolution No. _____ recorded at Reception No. _____ approving Town of Mountain Village Ordinance No. _____ recorded at approving _____
- Notice is hereby given that the area included in the Replat described herein is subject to the regulations of the Community Development Code, of the Town of Mountain Village, February 15, 2024 as amended.
- 16' GENERAL EASEMENT:** A perpetual easement, as depicted hereon, inuring to the benefit of the Town of Mountain Village its successors, designees and assigns for the purpose of constructing, installing, maintaining, repairing and accessing utilities, drainage, electrical service, communication service, water, sanitary sewer and storm sewer, retaining structures, and above ground utility equipment, pedestals, transformers and facilities, including without limitation grading, recontouring, revegetating and landscaping.

TITLE INSURANCE COMPANY CERTIFICATE:
Land Title Guarantee Company does hereby certify that we have examined the title to all lands herein shown on this plat and that the title to this land is in the names of those persons shown in the Owners Certificate which is on the face hereof and is free of all liens and taxes, except as follows:

Title Insurance Company Representative _____ Date _____
TOWN OF MOUNTAIN VILLAGE APPROVAL:
I, _____ as Mayor, of the Town of Mountain Village, Colorado, do hereby certify that this Replat has been approved by the Town of Mountain Village Town Council in accordance with Ordinance No. _____ the Development Agreement recorded at Reception No. _____ and Town of Mountain Village Resolution No. _____ recorded at Reception No. _____ which authorized my execution of this Replat.
_____, Mayor, Date _____

ACKNOWLEDGEMENT:
State of Colorado) ss
County of San Miguel)
The foregoing signature was acknowledged before me this _____ day of _____, 2024 A.D.
by _____ as mayor of the Town of Mountain Village
My commission expires _____
Witness my hand and seal.

Notary Public
PLANNING APPROVAL:
Date: _____
Community Development Director _____

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 Mountain Village Municipal Code Section 17.4.1
Dated this _____ day of _____, 20____.
San Miguel County Treasurer _____

OWNERS CERTIFICATE:

- DAMB Properties, LLC, a Colorado limited liability company ("Owner") is the current fee simple owner of the following described real property located in the Town of Mountain Village, San Miguel County, Colorado ("Property"):
Lot 373R, Telluride Mountain Village, Filing 18, according to the Replat of Lots 373 and 374, Telluride Mountain Village, Filing 18, recorded October 31, 2000 in Plat Book 1 at Page 2820 ("Lot 373R"), which is currently an unimproved lot.
Lot 374R, Telluride Mountain Village, Filing 18, according to the Replat of Lots 373 and 374, Telluride Mountain Village, Filing 18, recorded October 31, 2000 in Plat Book 1 at Page 2820 ("Lot 374R"), which is currently improved with a single-family residence.
- The Owner does hereby make and approve the within plat, entitled "Lot 374R2, Town of Mountain Village, a Replat to vacate the Lot Lines Between Lots 373R and 374R" ("Lot 374R2 Replat").
- The purpose of this Lot 374R2 Replat is to: (a) vacate the lot boundary lines of Lots 373R and 374R, Town of Mountain Village and combine them into one lot designated as Lot 374R2 as shown and depicted herein; (b) vacate a portion of the General Easement over a portion of Lot 374R2 as depicted and identified on this Lot 374R2 Replat; and (c) terminate, vacate and release certain easements as described hereinbelow and depicted on this Lot 374R2 Replat. In connection with the processing of this Lot 374R2 Replat, the Owner has applied for the transfer of density from Lot 373R to the Town of Mountain Village Density Bank. This Lot 374R2 Replat does not change the current zoning of Lot 374R2 nor modify allowable uses and/or densities (following the density transfer from Lot 373R) that can occur on Lot 374R2.
- The Owner does hereby fully and finally terminate, vacate and release the easements benefitting and burdening Lots 373R and 374R as established in the Easement Agreement recorded in Reception No. 337762 as described hereinbelow and depicted on this Lot 374R2 Replat.

THE FOREGOING IS HEREBY ACKNOWLEDGED AND AGREED TO BY THE UNDERSIGNED AS OF _____, 2024.
DAMB Properties, LLC, a Colorado limited liability company
By: _____
STATE OF _____)
COUNTY OF _____) ss.
The within Lot 374R2 Replat and Owner Certificate was acknowledged before me this _____ day of _____, 2024, by _____ as the _____ of DAMB Properties, LLC, a Colorado limited liability company.
Witness my hand and official seal.
Notary Public
My commission expires: _____

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 LOT 374R2, TELLURIDE MOUNTAIN VILLAGE, A REPLAT TO VACATE THE LOT LINE BETWEEN LOT 373R AND LOT 374R, 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 WHEREOF, I here unto affix my hand and official seal this _____ day of _____, A.D. 20____.

No. 37662 Date _____
GENERAL EASEMENT VACATION:
The undersigned being the beneficiaries of record of those portions of land labeled as 16-foot general easement (G.E.) as established along the former lot line between Lot 373R and Lot 374R, and as shown on the Plat recorded in Plat Book 1 at Page 2820 in the Office of the Clerk and Recorder of San Miguel County and as designated on this Lot 374R2 Replat as "16' GENERAL EASEMENT TO BE VACATED" do hereby vacate and relinquish that portion of said easement as shown vacated on this replat. The remaining areas of the 16-foot general easement (G.E.) not shown or designated for vacation on this Lot 374R2 Replat shall remain in place and not vacated by this Lot 374R2 Replat.
Mayor, _____ Date _____
Town Manager _____ Date _____

RECORDER'S CERTIFICATE:
This Plat was filed for record in the Office of the San Miguel County Clerk and Recorder on this _____ day of _____, 20____, at Reception No. _____, _____ Time _____
San Miguel County Clerk _____

- Legend**
- FOUND #5 REBAR AND 1 1/2" ALUMINUM CAP LS 24954
 - FOUND REBAR AND 1 1/2" ALUMINUM CAP LS 20632
 - ⊕ FOUND 3 1/4" ALUMINUM CAP ON 2 1/2" ALUMINUM PIPE LS 17956
 - SET No. 5 REBAR AND 1.5" ALUMINUM CAP L.S. 24954

Damb Properties LLC a CO LLC 539 Benchmark Drive Mountain Village, CO 81435	Lot 374R2 Town of Mountain Village S10 T42N R9W NMPM
June 26, 2024	
PROJECT: 24008	