



COMMUNITY DEVELOPMENT DEPARTMENT

455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

Agenda Item # 15

TO: Mountain Village Town Council
FROM: Amy Ward, Community Development Director
FOR: March 20, 2025
DATE: March 11, 2025
RE: Consideration of an Easement Vacation and Quit Claim Deed for a portion of an easement located on Lot 711, 160 Adams Ranch Rd

PROJECT GEOGRAPHY



Legal Description: LOT 711 TELLURIDE MOUNTAIN VILLAGE FILING 27 ACC TO PLAT BK 1 PG 1198 CONT 0.995 ACRES

Address: 160 Adams Ranch Road

Applicant/Agent: Gerald Ross, Architect

Owner: RREBECCAG HOLDINGS LLC A TX LLC

Zoning: Single Family

Existing Use: Single Family
Proposed Use: Addition of a small at grade patio

Adjacent Land Uses:

- **North:** Single Family
- **South:** Single-Family
- **East:** Active Open Space Golf Course Use
- **West:** Single Family

Lot 716

ATTACHMENTS

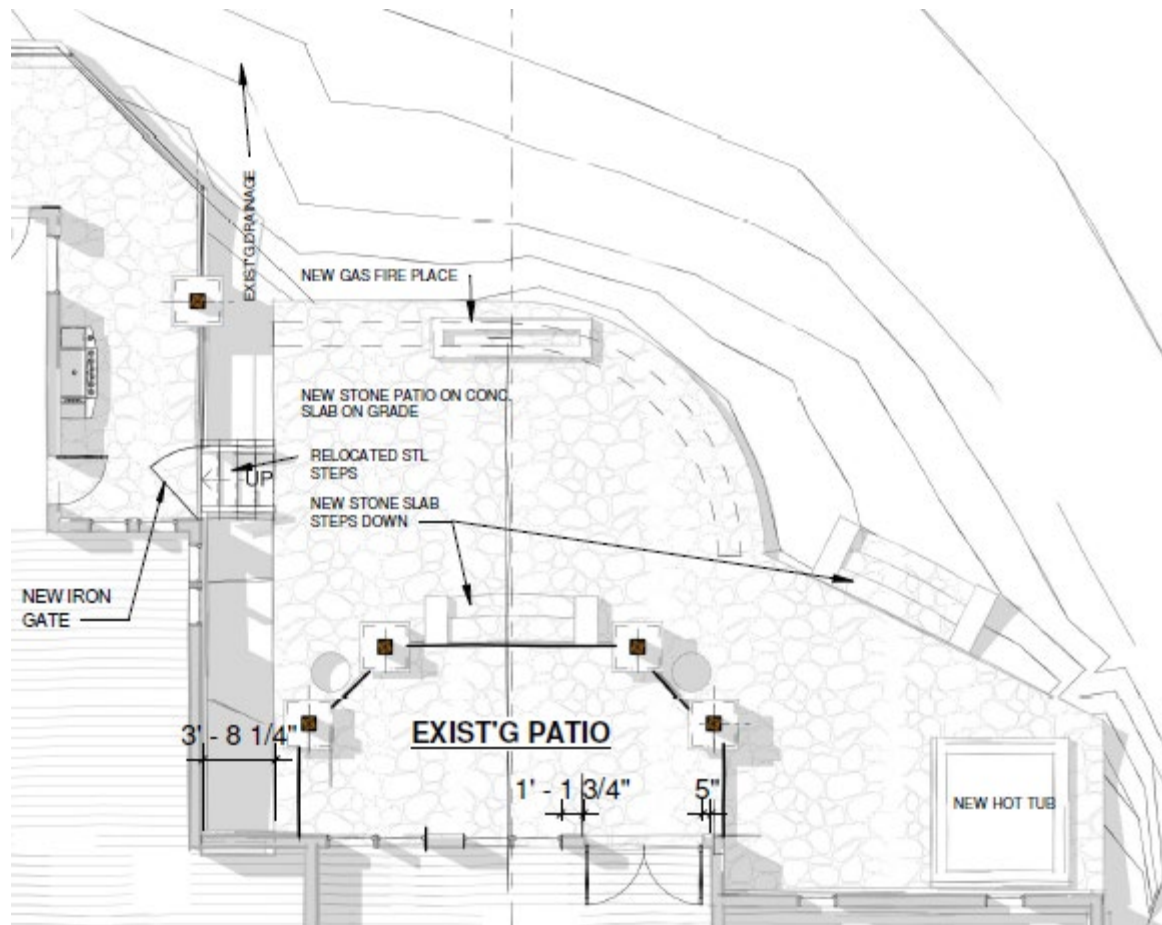
- Exhibit A: Partial Drainage Easement Vacation Exhibit
- Exhibit B: Easement Vacation Quit Claim Deed
- Exhibit C: Improvement Location Certificate (Existing) Dated 9.5.23 (unsigned)
- Exhibit D: Delineation Report dated 10.25.24

REQUEST

This property (Lot 711) is bisected by a historic drainage easement that is to the benefit of the Town. The current owners would like to add an at grade patio extension of an existing patio. This proposed patio extension crosses over the boundary of the existing drainage easement. In October of 2024, the site was visited by local wetland expert Pat Drew. The boundaries of the existing wetland on the property were re-delineated, and his recommendation was to re-align the boundaries of the easement with the wetland conditions found on the site. The proposed easement vacation shows the newly delineated wetland boundary, and proposes to vacate a portion of the existing easement leaving a buffer zone of between 2.7' and 8.7' between easement boundary and wetland boundary.

STAFF ANALYSIS AND RECOMMENDATION

If Council approves the easement vacation as proposed, the applicant will submit an additional Class 1 Design Review application for the patio extension. Staff will review that application with wetland regulations in mind and will be able to condition any approvals with appropriate conditions to address wetland concerns. Conceptual drawings shared with staff show the patio extension to the north of the existing patio as shown below, the proposed patio extension does not cross over the proposed new boundary of the drainage easement:



Staff recommends approval of the proposed easement vacation.

PROPOSED MOTION

I move to approve the Easement Vacation and Quit Claim Deed for a portion of an easement located on Lot 711, 160 Adams Ranch Rd as proposed in the staff memo of record dated March 11, 2025 and the findings of this meeting.



WETLANDS AS
DELINEATED BY
PATRICK DREW
(OCT. 2024)

LOT 713

S 68°27'25" E 195.56'
16' GENERAL EASEMENT

ADAMS RANCH ROAD
N 21°30'00" E 207.21'

16' GENERAL EASEMENT

LOT 711

WETLANDS AS
DELINEATED BY
PATRICK DREW
(OCT. 2024)

DRAINAGE
EASEMENT
(PER PLAT BOOK 1
AT PAGE 1198)

WETLAND AREA

(TIE TO SEGMENT L1 (PDB))
S 63°53'06" W 112.51'

PORTION OF
DRAINAGE
EASEMENT
PLAT BOOK 1
AT PAGE 1198
BEING VACATED

16' GENERAL EASEMENT
S 27°36'44" W 267.90'

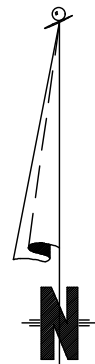
TRACT OSP-28

N 48°56'53" W 177.26'

LOT 710

WETLANDS AS
DELINEATED BY
PATRICK DREW
(OCT. 2024)

Line Table		
Line #	Direction	Length
L1	S 52°59'54" E	29.25'
L2	S 08°21'04" W	5.28'
L3	S 37°30'05" W	20.63'
L4	S 02°07'49" E	12.61'
L5	S 17°11'16" E	25.33'
L6	S 06°40'34" E	18.71'
L7	S 26°20'21" E	27.81'
L8	S 25°04'49" W	3.30'
L9	S 66°54'07" W	9.11'
L10	N 15°33'59" W	74.05'
L11	N 03°07'21" W	54.14'
L12	N 08°22'39" E	0.68'



SCALE: 1"=40'

Lot 711
Town of Mountain Village
PARTIAL DRAINAGE EASEMENT
VACATION EXHIBIT



EASEMENT VACATION AND QUIT CLAIM DEED

This Easement Vacation and Quit Claim Deed is made by and between the Town of Mountain Village, Colorado, a Colorado home rule municipality (“Grantor”) whose address is 455 Mountain Village Blvd., Suite A, Mountain Village, Colorado 81435, and RREBECCAG Holdings, LLC a TX LLC (“Grantee”) whose address is 311 Huntington Pl., San Antonio TX 78231-2600

RECITALS:

WHEREAS, Grantee owns certain real property described as Lot 711, Telluride Mountain Village, filing 27 according to the plat recorded October 21, 1991 in Plat Book 1 at Page 1198, County of San Miguel, State of Colorado; and incorporated herein by reference (the “Property”), also known by the street address 160 Adams Ranch Road, Mountain Village, Colorado 81435; and

WHEREAS, the Property is subject to a drainage easement in favor of Grantor described in Plat Book 1, Page 1198, as recorded with the San Miguel County Clerk and Recorder (the “Easement”); and

WHEREAS, Grantee has requested that Grantor vacate a portion of the Easement to realign the boundaries of the easement with the wetland delineation boundary; and

WHEREAS, Grantor is willing to vacate a portion of the Easement, as described by Exhibit A hereto; and

NOW, THEREFORE, for and in consideration of ten dollars (\$10.00) and other good and valuable consideration, in hand paid, Grantor hereby vacates, quitclaims and abandons that portion of the Easement described on Exhibit A; provided, however, Grantor retains any and all other rights in the Property pursuant to the Easement or pursuant to any other documents recorded prior to the date of this Deed.

Signed the ____ day of _____, 2025.

TOWN OF MOUNTAIN VILLAGE,
COLORADO

By: _____
Marti Prohaska, Mayor

Attest: _____
Susan Johnston, Town Clerk

STATE OF COLORADO)
) ss.
COUNTY OF SAN MIGUEL)

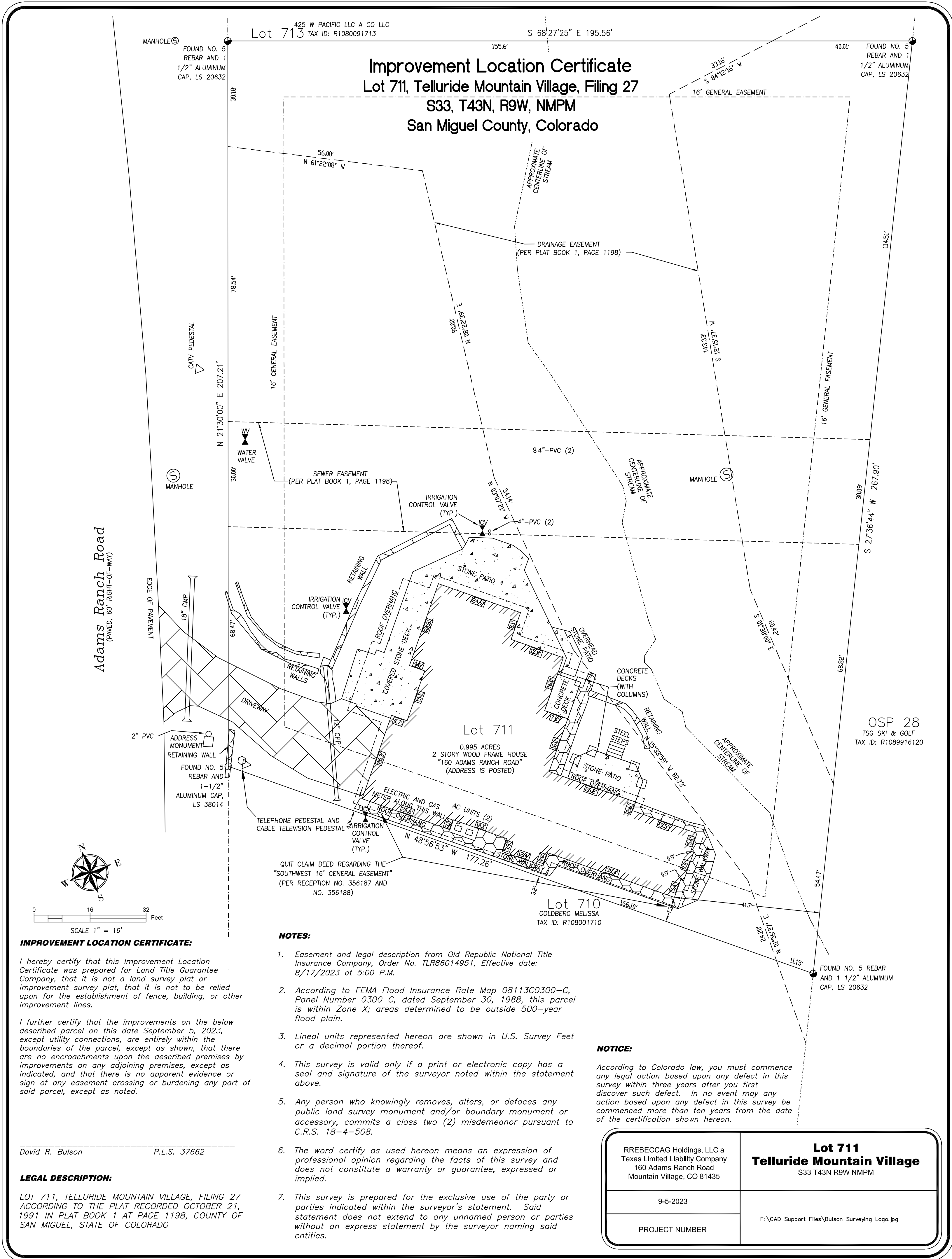
The foregoing Easement Vacation and Quit Claim Deed was signed and acknowledged before me this ____ day of _____, 2025, by Marti Prohaska as Mayor and Susan Johnston as Town Clerk of Mountain Village, Colorado.

WITNESS my hand and official seal. My commission expires: _____

Notary Public

Exhibit A

Partial Drainage Easement Vacation Exhibit



Improvement Location Certificate
Lot 711, Telluride Mountain Village, Filing 27
S33, T43N, R9W, NMPM
San Miguel County, Colorado

IMPROVEMENT LOCATION CERTIFICATE:

I hereby certify that this Improvement Location Certificate was prepared for Land Title Guarantee Company, that it is not a land survey plat or improvement survey plat, that it is not to be relied upon for the establishment of fence, building, or other improvement lines.

I further certify that the improvements on the below described parcel on this date September 5, 2023, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

David R. Bulson P.L.S. 37662

LEGAL DESCRIPTION:

LOT 711, TELLURIDE MOUNTAIN VILLAGE, FILING 27 ACCORDING TO THE PLAT RECORDED OCTOBER 21, 1991 IN PLAT BOOK 1 AT PAGE 1198, COUNTY OF SAN MIGUEL, STATE OF COLORADO

NOTES:

- Easement and legal description from Old Republic National Title Insurance Company, Order No. TLR86014951, Effective date: 8/17/2023 at 5:00 P.M.
- According to FEMA Flood Insurance Rate Map 08113C0300-C, Panel Number 0300 C, dated September 30, 1988, this parcel is within Zone X; areas determined to be outside 500-year flood plain.
- 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. 18-4-508.
- 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.

RREBECCAG Holdings, LLC a Texas Limited Liability Company 160 Adams Ranch Road Mountain Village, CO 81435	Lot 711 Telluride Mountain Village S33 T43N R9W NMPM
9-5-2023	
PROJECT NUMBER	F:\CAD Support Files\Bulson Surveying Logo.jpg

10/25/24

Robert Gutierrez
160 Adams Ranch Rd.
Mountain Village, 81435

RE: Wetland locations on Lot 711, Telluride Mountain Village

Dear Robert,

At your request, on October 22, 2024, I investigated Lot 711 in the Telluride Mountain Village to evaluate and confirm existing wetland boundaries identified as part of a site plan survey for the design team, to plan and prepare for a remodel and enhancement of the outdoor living areas on the lot.

Lot 711 is adjacent to the Telluride Ski and Golf course and the wetlands identified here are part of a drainage easement and a historic wetland restoration project that was completed around the golf course in the early 2000s. **It is recommended that the drainage easement in place along the eastern boundary of Lot 711 and the western boundary of Snowshoe Creek, be realigned to match the wetland delineation boundary identified.** This will protect and better define the wetlands associated with the wetland riparian corridor and Snowshoe Creek channel. The purpose of the drainage easement is to provide drainage and natural water flow dictated by the hydrologic regime supporting the stream channel and wetlands in this area. These hydrologic regimes are limited to the boundaries identified in the wetland survey and protected by the Clean Water Act legislation. **By realigning the drainage easement to reflect these resource limits, owners, managers, and regulators can optimize design goals and the understanding of the extent of these critical resources.**

This time of year, is the end of the growing season when the vegetation is going into the dormant wintering stage and has completed its growth cycle for the summer season. The hydrologic component represents its dry season levels and the vegetation has completed its annual growth so that it is easily identifiable.

The adjacent riparian corridor is along the lower reach of Snowshoe Creek just above the confluence with Skunk Creek. This wet area creates a golfing water hazard in the drop zone along Hole 6. This time of year, the water in most creeks around Mountain Village are supplied from groundwater seeps and high-water tables. Snowshoe Creek adjacent to the Lot 711 property is currently flowing at about 30 gallons per minute.

The riparian corridor surrounding Snowshoe Creek is well stratified with an overstory of *Salix monticola* and *Ribes lacustre*. The herbaceous plants beneath this canopy contain a diverse community of sedge grasses, *Carex utriculata*, and flowering forbes, such as *Mertensia ciliata*, *Aconitum columbianum*, *Nasturtium officinale*, and *Urtica dioica*. All of these species have wetland indicator status of obligates (OBL) or facultative wetland (FACW) status. The climax community has a well-developed root matrix which helps to stabilize the drainage from erosional head cutting and serves an important role in flood mitigation, nutrient uptake, and water storage. This can be seen in the hummocky nature of the willow shrubs and meandering creek bed below them.

I flagged the western boundary of the wetland delineation with 22 pink wetland delineation pin flags, and extended the delineation beyond the lot boundaries to include the full extent of the wetlands into golf course open space. These boundary flags were surveyed and included on the site plan as delineated

wetlands. This is illustrated on the exhibit attached to the report. They are numbered 1 – 22 from the southeast corner of the lot to the north.

After digging soil pits and observing the soils, it was determined that Soil Pit #1 had hydric characteristics including redox elements and gleying which are valuable wetland soil types associated with surface water ecosystems. The soil pit was very wet, with the saturation near the ground surface. By comparison, Soil Pit #2 was dug in an upland area of the Lot 711 landscape approximately 80 feet from Soil Pit #1 to show the differences in soils, vegetation, and hydrology between the wetland and upland communities. Soil Pit #2 showed drier soils with some anoxic characteristics but remarkably different vegetative composition and no hydrologic indicators. Therefore, the wetland as flagged on Lot 711 surrounding Soil Pit #1 appears to possess the vegetation, hydric soils, and hydrology necessary for a jurisdictional wetland of the United States, and is regulated by ACOE.

Photos to this report as well as the wetland delineation determination forms for the 2 soil pits and sampling plots are attached.

It seems reasonable that impacts to the wetlands identified on Lot 711 from a redesign development of the home site can be avoided. It is important to implement Best Management Practices (BMPs) for the wetlands during construction to protect these sensitive resources in Mountain Village. These BMPs should include construction methods such silt fencing, construction fencing, tree and shrub protections, storm water management plans, hazardous material disposal plans, and re vegetation plans with native non-invasive grass seed mixes specified as required.

It should also be noted the presence and severe spread of the Canadian thistle in the wetlands and upland (northern) areas of the lot. Canadian thistle, *Cirsium arvense*, is an aggressive noxious weed which is classified as a List A invasive weed species by the state of Colorado and must be controlled. The Town of Mountain Village has experts on staff that may assist you, in your noxious weed control efforts.

Lot 711's proximity to the Skunk and Snowshoe Creek wetland complex is an asset to the property. Wetlands provide wildlife habitat, water storage, and flood mitigation for the environment and are considered a valuable natural resource in Telluride and Mountain Village. Skunk and Snowshoe Creeks are tributaries to Prospect Creek and the San Miguel River, which flows downstream to eventually feed the Colorado River. During construction and earthwork activities, it is imperative to protect the ecological values of this delineated wetland, which will in turn preserve the natural character of Mountain Village and maximize the overall value of the lot. **By realigning the drainage easement in this area to reflect the Waters of the US, the wetland impacts can be avoided and the protection of natural water flow drainage can remain protected.**

Thank you,

Patrick Drew
Drew Water Works
PO Box 236
131 S. Picker St.
Rico, CO 81332
970-708-2081
patwdrew@gmail.com