

ORDINANCE NO. 2025-06

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO APPROVING A VESTED PROPERTY RIGHTS EXTENSION FOR LOT
137, TDB GRANITE RIDGE**

WHEREAS, The Town of Mountain Village (the “Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Mountain Village Home Rule Charter of 1995, as amended (“Charter”); and

WHEREAS, 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

WHEREAS, Epic Ridge Properties LLC (“the Applicant”) is the owner of record of real property described as Lot 137A Town of Mountain Village, as depicted on the document recorded on April 17, 2024, in the real property records of San Miguel County, Colorado at reception number 484588 (the “Property”); and

WHEREAS, The Design Review Board approved an application in July 2023 for a single-family home; and

WHEREAS, The Applicant submitted a Vested Property Right Extension development application on January 29, 2025, seeking a further extension of the Vested Property Right to January 6, 2028 (the “Vested Property Rights Extension Application”); and

WHEREAS, The Vested Property Rights Extension Application has been processed and evaluated pursuant to the Town of Mountain Village Community Development Code (the “CDC”); and

WHEREAS, The Design Review Board conducted a public hearing on the Vested Property Rights Extension Application in accordance with the CDC on April 3, 2025, 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

WHEREAS, The meeting held on April 3, 2025, 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; and

WHEREAS, The Town Council desires to approve an extended vested property right.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, as follows:

Section 1. Recitals. The foregoing Recitals are incorporated as findings of the Town Council.

Section 2. Notice. The Town shall publish a notice in the newspaper of record within 14 days of approval describing that a vested property right has been created extended consistent with CDC Section 17.4.17 (E)(4).

Section 3. Incorporation of 2023 DRB Conditions of Approval. All previous conditions of approval from the original 2023 Design Review approval remain applicable for any future development.

Section 4. Approvals. 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);
5. The proposed vested property right meets all applicable Town regulations and standards.

Section 5. Vested Property Right Extension. The Vested Property Right is hereby extended for a period of three (3) additional years until January 6, 2028.

Section 6. 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 7. 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 8. Effective Date. This Ordinance shall become effective fourteen days after final publication pursuant to section 5.9 of the Town Charter.


INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 24th day of April 2025.

TOWN OF MOUNTAIN VILLAGE

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

By: 
Martinique Prohaska, Mayor

ATTEST:



Susan Johnston, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain
Village, Colorado this 15th day of May 2025**

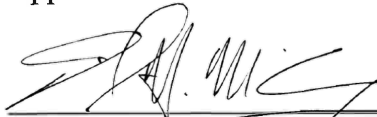
**TOWN OF MOUNTAIN VILLAGE
TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: 
Martinique Prohaska, Mayor

ATTEST:


Susan Johnston, Town Clerk

Approved as To Form:


David McConaughy, 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. 2025-06 ("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 April 24, 2025, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Martinique Prohaska, Mayor	X			
Scott Pearson, Mayor Pro-Tem	X			
Harvey Mogenson	X			
Peter Duprey	X			
Jack Gilbride	X			
Tucker Magid	X			
Huascar E. Gomez (Rick)	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 April 30, 2025 in accordance with Section 5.2(d) 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 May 15, 2025. 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
Martinique Prohaska, Mayor	X			
Scott Pearson, Mayor Pro-Tem	X			
Harvey Mogenson	X			
Peter Duprey	X			
Jack Gilbride	X			
Tucker Magid	X			
Huascar E. Gomez (Rick)	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 15th day of May, 2025.

(SEAL)




Susan Johnston, Town Clerk