

**RESOLUTION OF THE TOWN COUNCIL
OF MOUNTAIN VILLAGE, COLORADO APPROVING A MINOR
SUBDIVISION FOR LOTS AR-34, AR-35 AND AR-36, 102 SINGLETREE RIDGE**

RESOLUTION NO. 2020-0220-04

- A. William W. Deupree (“Owner 1”) of record of real property described as Lot AR-34, according to the plat recorded June 1, 1999, in Plat Book 1 at Page 2570.
- B. William W. Deupree, Margaret R. Deupree, William W. Deupree, III and A. Reed Deupree (“Owner 2”) of record of real property described as Lot AR-35, according to the plat recorded June 1, 1999, in Plat Book 1 at Page 2570.
- C. William W. Deupree Jr. (“Owner 3”) of record of real property described as Lot AR-36, according to the plat recorded June 1, 1999, in Plat Book 1 at Page 2570.
- D. The Owners have authorized Thomas G. Kennedy, Attorney at Law to pursue the review of the Minor Subdivision application to vacate a town owned irrigation easement on Lots AR-34, AR-35 and AR-36.
- E. The subject irrigation easement was imposed on Lot 613D in conjunction with the platting that occurred in 1990.
- F. Lot 613D was replatted into Lots AR-34, AR-35 and AR-36 in 1999 and the 1999 plat continued to reference the irrigation easement.
- G. The proposed Minor Subdivision will vacate the irrigation easement from the plat and specifically from Lots AR-34, AR-35 and AR-36.
- H. The applicant proposed the amended Lots AR-34, AR-35 and AR-36, with no change to the zoning or zoning designations set forth on the Official Zoning Map and zoning designations on the Official Land use and Density Allocation List.
- I. The Town Council considered this application, along with evidence and testimony, at a public meeting held on February 20, 2020
- 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 Community Development Code as follows:
 - 1. The lots resulting from the adjustment or vacation are in compliance with Town Zoning and Land Use Regulations and Subdivision Regulations, because without limitations the lot configurations are already in compliance and are not being amended with the easement vacation;
 - 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. 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
5. 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 CONDITIONS:

1. The applicant shall work with Town Staff to record the finalized resolution approving the vacation of the irrigation easement and associated improvement survey plat.
2. The applicant shall pay all necessary fees associated with the recordation of all required documents with the San Miguel County Clerk and Recorders Office.
3. Town Staff and Legal have the authority to provide ministerial changes on any associated legal instruments prior to recordation with the San Miguel County Clerk and Recorders Office, provided the changes are not substantial.

Be It Further Resolved that Lots AR-34, AR-35 and AR-36 may be amended to remove irrigation easement as submitted in accordance with Resolution NO. 2020-0220-04.

Approved by the Town Council at a public meeting February 20, 2020

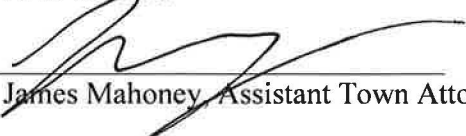
Town of Mountain Village, Town Council

By: 
Laila Benitez, Mayor

Attest:

By: 
Kim Montgomery, Town Clerk

Approved as to Form:


James Mahoney, Assistant Town Attorney