

**RESOLUTION OF THE TOWN COUNCIL
OF MOUNTAIN VILLAGE APPROVING A MINOR SUBDIVISION TO VACATE A DEED
EASEMENT AND DRAINAGE EASEMENT ON LOT 426**

RESOLUTION NO. 2022-0519-08

- A. Donald and Ilene Kramer are the owners ("Owners") of record of real property described as Lot 426, Telluride Mountain Village according to the plat filed in the office of the Clerk and Recorder in Plat book 1 at page 2281, and according to the Town of Mountain Village Official Lot List, recorded in Book 856 at page 548 (the "Property").
- B. The Owner has authorized James Mahoney, P.C. to pursue the approval of the minor subdivision application to vacate two easements encumbering the Property ("Application").
- C. The Town Council considered this Application, along with evidence and testimony, at a public meeting held on May 19, 2022.
- D. The Town Council desires to approve the Minor Subdivision to vacate the subject easements on the Property subject to the conditions set forth below.
- E. The Owner has addressed, or agreed to address, all conditions of approval of the Application imposed by Town Council.
- F. The Town Council finds that the minor subdivision meets the criteria for decision set forth in Section 17.4.13(E)(2) of the Town's Community Development Code ("CDC") as follows:
 - 1. The lot resulting from the adjustment or vacation is in compliance with Town Zoning and Land Use Regulations and Subdivision Regulations found in the ("CDC"), because without limitation the subdivision area and zoning designations are not changing, open space is not being impacted, and the lot coverage will remain unchanged;
 - 2. The proposed subdivision is in general conformance with the goals, policies and provisions of the Comprehensive Plan because the lots and the surrounding area will remain single-family in nature;
 - 3. Subdivision access complies with Town standards and codes because access is not affected by granting the Application;
 - 4. The portions of easements to be vacated are no longer necessary and are consented to by the Town as the benefited party under the easement; 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 Owner shall submit appropriate fees to staff for recordation with the San Miguel County Assessor's office within six months of approval and shall reimburse the Town for outside consultant fees incurred in connection with the drafting of any required quit-claim deed.
2. Staff will review the replat document to verify consistency with CDC Sections 17.4.13.N. Plat Standards and provide redline comments to the Owner, which comments shall be addressed by Owner to the satisfaction of Town Staff before the execution and recording of the final mylar.
3. Staff has the authority to provide ministerial and conforming comments on the mylar before recordation.

Be It Further Resolved that the Property may be replatted as submitted in accordance with Resolution No. 2022-0519-08.

Section 1. Resolution Effect

- A. This Resolution shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the resolutions repealed or amended as herein provided and the same shall be construed and concluded under such prior resolutions.
- B. All resolutions, of the Town, or parts thereof, inconsistent or in conflict with this Resolution, are hereby superseded to the extent only of such inconsistency or conflict.

Section 2. Severability

The provisions of this Resolution are severable and the invalidity of any section, phrase, clause or portion of this Resolution as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Resolution.

Section 3. Effective Date

This Resolution shall become effective on May 19, 2022 (the "Effective Date"), as herein referenced throughout this Resolution.

Section 4. Public Meeting

A public meeting on this Resolution was held on the 19th day of May 2022 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

Approved by the Town Council at a public meeting held on May 19, 2022.

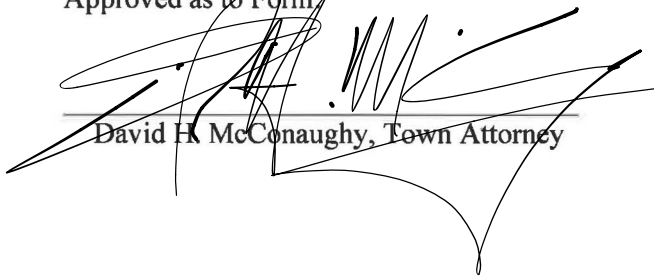
Town of Mountain Village, Town Council

By: 
Laila Benitez, Mayor

Attest:

By: 
Susan Johnston, Town Clerk

Approved as to Form:


David H. McConaughy, Town Attorney