

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO CONDITIONALLY APPROVING A MINOR SUBDIVISION FOR
LOTS 619 AND 638-C (TO BE REPLATTED AS LOT 619-R)**

RESOLUTION NO. 2023-0216-02

WHEREAS, the Harvey Bertram Mogenson Revocable Trust and the Gwen Mary Mogenson Revocable Trust (collectively, the “Owner”) are the owners of certain real property described as Lot 619 and Lot 638-C, commonly known as 214 Adams Ranch Road, Mountain Village, Colorado (together, the “Property”); and

WHEREAS, Harvey Mogenson and Gwen Mogenson (together, the “Applicant”), as trustees of the Owner, 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 619-R (“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 February 2, 2023, to consider the Subdivision 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 Subdivision Application, subject to conditions; and

WHEREAS, the Town Council held a public hearing on February 16, 2023 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 unanimously 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. Town Staff has the authority to provide ministerial and conforming comments on the mylar prior to recordation of the Property Replat.

3.5. 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.

3.6. 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.


3.7. 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 February 16, 2023.

TOWN OF MOUNTAIN VILLAGE, COLORADO

By: 
Laila Benitez, Mayor

ATTEST:


Susan Johnston, Town Clerk

APPROVED AS TO FORM:



David McConaughy, Town Attorney

Exhibit A

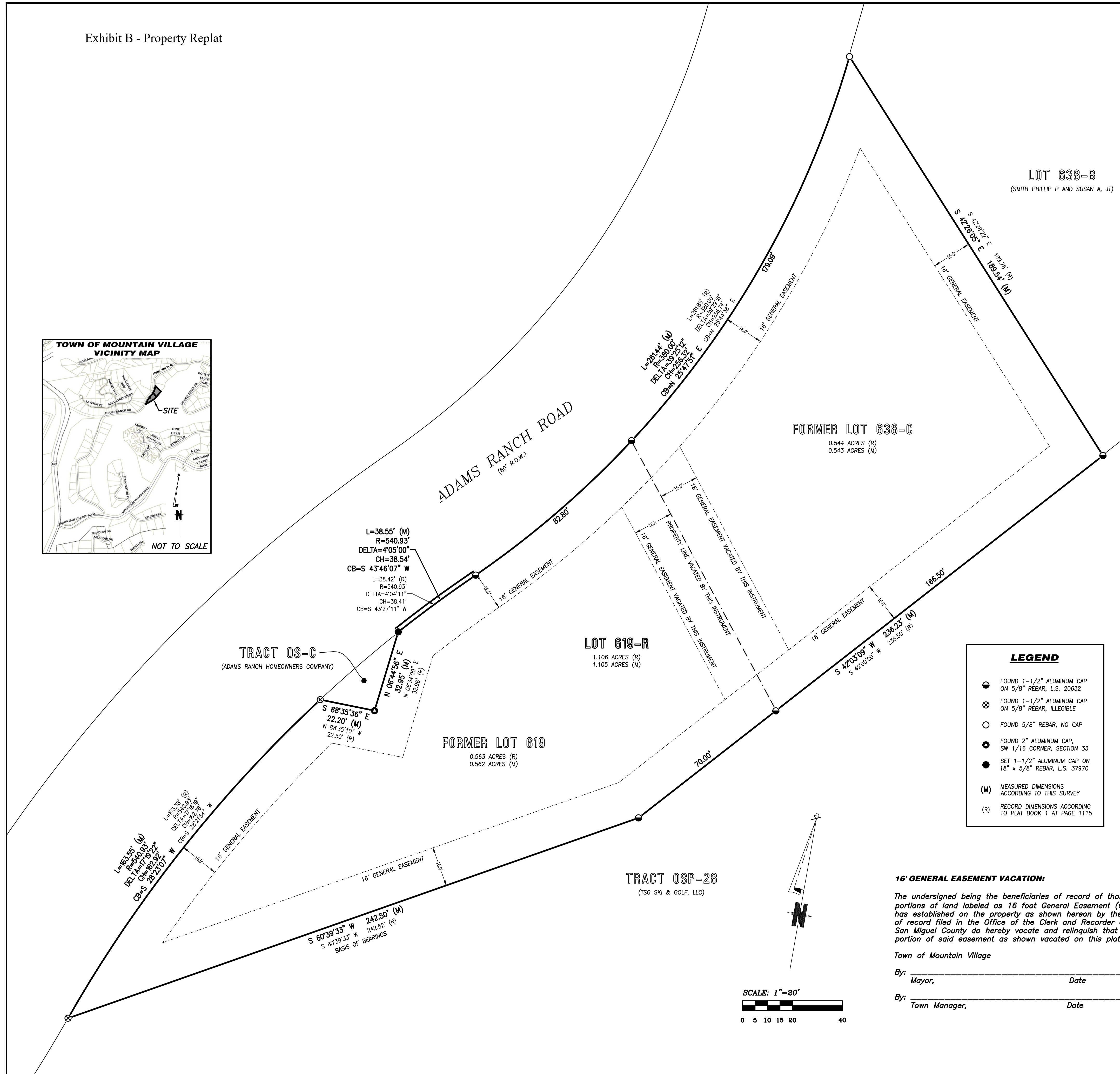
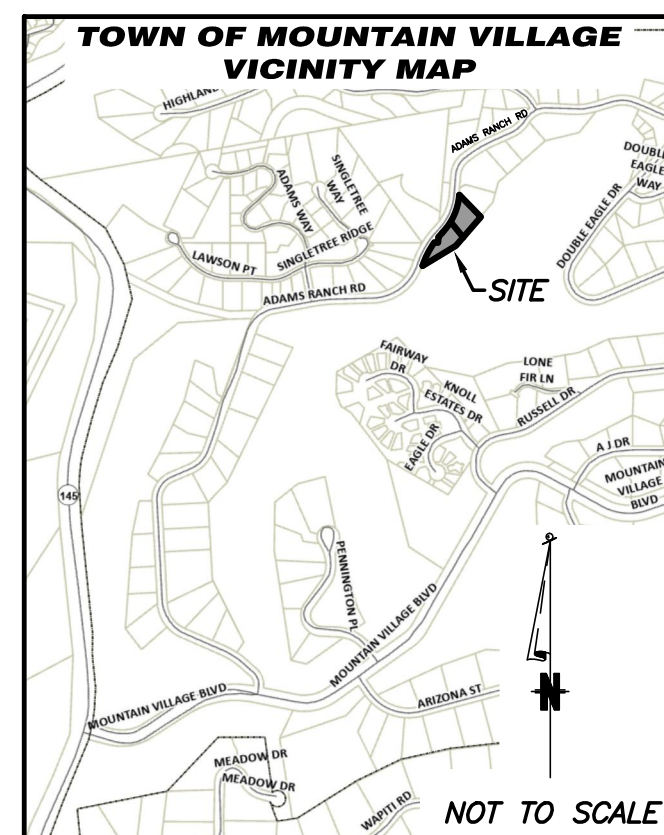
[LIST OF SUBDIVISION APPLICATION MATERIALS]

Exhibit B

[PROPERTY REPLAT]

Exhibit A - List of Application Materials

1. Minor Subdivision Application
2. Mountain Village Fee Acknowledgement
3. Improvements Exhibit
4. Replat
5. Narrative
6. Combined Common Documents



LOT 638-B
(SMITH PHILLIP P AND SUSAN A, JT)

FORMER LOT 638-C
0.544 ACRES (R)
0.543 ACRES (M)

LOT 619-R
1.106 ACRES (R)
1.105 ACRES (M)

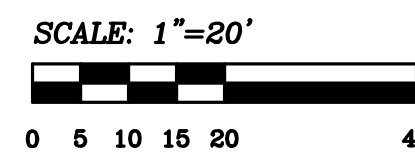
FORMER LOT 619
0.563 ACRES (R)
0.562 ACRES (M)

TRACT OSP-28
(TSG SKI & GOLF, LLC)

TRACT OS-C
(ADAMS RANCH HOMEOWNERS COMPANY)

LEGEND

- FOUND 1-1/2" ALUMINUM CAP ON 5/8" REBAR, L.S. 20632
- ⊗ FOUND 1-1/2" ALUMINUM CAP ON 5/8" REBAR, ILLEGIBLE
- FOUND 5/8" REBAR, NO CAP
- FOUND 2" ALUMINUM CAP, SW 1/16 CORNER, SECTION 33
- SET 1-1/2" ALUMINUM CAP ON 18" x 5/8" REBAR, L.S. 37970
- (M) MEASURED DIMENSIONS ACCORDING TO THIS SURVEY
- (R) RECORD DIMENSIONS ACCORDING TO PLAT BOOK 1 AT PAGE 1115



CERTIFICATE OF OWNERSHIP:

KNOW ALL PERSONS BY THESE PRESENTS that HARVEY BERTRAM MOGENSEN, TRUSTEE OF THE HARVEY BERTRAM MOGENSEN REVOCABLE TRUST, AND/OR HIS SUCCESSOR OR SUBSTITUTE TRUSTEE(S) THEREAFTER NAMED, AS TENANT IN COMMON OWNER OF 1/2 INTEREST, AND GWEN MARY MOGENSEN AS TRUSTEE OF THE GWEN MARY MOGENSEN REVOCABLE TRUST, AND/OR HER SUCCESSOR OR SUBSTITUTE TRUSTEE(S) THEREAFTER NAMED, AS TENANT IN COMMON OWNER OF 1/2 INTEREST, being the owners in fee simple of LOT 619 AND LOT 638-C, TELLURIDE MOUNTAIN VILLAGE, REPLAT OF FILING 28 AND REPLAT OF LOTS 615-A & 615-C, FILING 21, ACCORDING TO THE PLAT RECORDED JANUARY 23, 1991 IN PLAT BOOK 1 AT PAGE 1115, COUNTY OF SAN MIGUEL, STATE OF COLORADO, hereby make an Amendment to the Final Plat of said real property in accordance with the Insubstantial Plat Amendment shown hereon.

OWNERS:

By: Harvey Bertram Mogensen
By: Gwen Mary Mogensen

ACKNOWLEDGMENT:

State of _____)
County of _____)
The foregoing signature was acknowledged before me this _____ day of _____, 2022 A.D. by Harvey Bertram Mogensen.
My commission expires _____
Witness my hand and seal.

Notary Public

ACKNOWLEDGMENT:

State of _____)
County of _____)
The foregoing signature was acknowledged before me this _____ day of _____, 2022 A.D. by Gwen Mary Mogensen.
My commission expires _____
Witness my hand and seal.

Notary Public

TOWN OF MOUNTAIN VILLAGE APPROVAL:

I, _____, as mayor of the Town of Mountain Village, Colorado, do hereby certify that this Plat Amendment has been approved by the Town Council in the same resolution that has authorized and directed us to execute this document.

By: Mayor, Town of Mountain Village, Colorado

ACKNOWLEDGMENT:

State of _____)
County of _____)
The foregoing signature was acknowledged before me this _____ day of _____, 2022 A.D. by _____, as Mayor, Town of Mountain Village, Colorado.

My commission expires _____
Witness my hand and seal.

Notary Public

TOWN OF MOUNTAIN VILLAGE APPROVAL:

I, Michelle Haynes, as Planning and Development Services Director of the Town of Mountain Village do hereby certify that this Plat Amendment has been approved by the Town of Mountain Village Planning and Development Services pursuant to Resolution No. _____ and the Community Development Code as a staff subdivision.

Michelle Haynes, Planning and Development Services Director

16' GENERAL EASEMENT VACATION:

The undersigned being the beneficiaries of record of those portions of land labeled as 16 foot General Easement (G.E.) has established on the property as shown hereon by the Plat of record filed in the Office of the Clerk and Recorder of San Miguel County do hereby vacate and relinquish that portion of said easement as shown vacated on this plat.

Town of Mountain Village
By: _____ Date _____
By: _____ Date _____
Town Manager, _____

SURVEYOR'S CERTIFICATE:

I, Jeffrey C. Haskell of Foley Associates, Inc., a Professional Land Surveyor licensed under the laws of the State of Colorado, do hereby certify that LOT 619-R, TOWN OF MOUNTAIN VILLAGE, A REPLAT TO VACATE LOT LINES BETWEEN LOT 619 AND LOT 638-C, TOWN OF MOUNTAIN VILLAGE, shown hereon has been prepared under my direct responsibility, supervision and checking. 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 hereunto affix my hand and official seal this _____ day of _____, A.D. 2022.

P.L.S. 37970 Date

NOTES:

- Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended.
- Easement research and property description from Alpine Title Company, File Number 3578CEA, dated July 12, 2022 at 8:00 A.M.
- BASIS OF BEARINGS: Found monuments along the Southern-most boundary of Former Lot 619, as shown hereon, assumed to have the record bearing of S 60°39'33" W according to Plat Book 1 at page 1115.
- The purpose of this Replat is to vacate lot line and the 16' General Easement as shown hereon.
- Notice is hereby given that the area included in the Plat Amendment described herein is subject to the regulations of the Land Use Ordinance, of the Town of Mountain Village, March, 2005 as amended.
- NOTES OF CLARIFICATION:
 - The Configuration of the following lots, tracts, and right-of-way have been modified by this Plat Amendment: None
 - The following lots have been created by this Plat Amendment: Lot 619-R
 - The following lots have been deleted by this Plat Amendment: Lot 619 and Lot 638-C
- LINEAL UNITS: Distances shown hereon are measured in U.S. Survey Feet.
- NOTICE: According to Colorado law you, must commence any legal action based upon 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.

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 Land Use Code Section 3-101.

Dated this _____ day of _____, 2022.

San Miguel County Treasurer

TITLE INSURANCE COMPANY CERTIFICATE:

Land Title Guarantee Company does hereby certify that we have examined the title to the lands herein shown on this Plat Amendment and that the title to this land is in the name of HARVEY BERTRAM MOGENSEN, TRUSTEE OF THE HARVEY BERTRAM MOGENSEN REVOCABLE TRUST, AND/OR HIS SUCCESSOR OR SUBSTITUTE TRUSTEE(S) THEREAFTER NAMED, AS TENANT IN COMMON OWNER OF 1/2 INTEREST, AND GWEN MARY MOGENSEN AS TRUSTEE OF THE GWEN MARY MOGENSEN REVOCABLE TRUST, AND/OR HER SUCCESSOR OR SUBSTITUTE TRUSTEE(S) THEREAFTER NAMED, AS TENANT IN COMMON OWNER OF 1/2 INTEREST, and is free of all liens and taxes except as follows:

Title Insurance Company Representative

RECORDER'S CERTIFICATE:

This Plat Amendment was filed for record in the Office of the San Miguel County Clerk and Recorder on this _____, 2022, at _____ day of _____.

Reception No. _____
Time _____

San Miguel County Clerk

LOT 619-R, TOWN OF MOUNTAIN VILLAGE,
A Replat to vacate the lot line between Lot 619 and Lot 638-R, Town of Mountain Village, located within the SW 1/4 of Section 33, T.43N., R.9W., N.M.P.M., County of San Miguel, State of Colorado.

Project Mgr:	JH	Rev.	description	date	by
Technician:	MC				
Checked by:					
Start date:	07 / 2022				



970-728-6153 970-728-6050 fax
P.O. BOX 1385
125 W. PACIFIC, SUITE B-1
TELLURIDE, COLORADO 81435