

**A RESOLUTION OF THE TOWN COUNCIL  
OF MOUNTAIN VILLAGE, COLORADO  
RATIFYING THE EXECUTION AND DELIVERY OF A DEED  
TO THE MOUNTAIN VILLAGE HOUSING AUTHORITY**

**RESOLUTION NO. 2023-1116-27**

WHEREAS, the Town of Mountain Village is a Colorado Home Rule Municipality operating under the authority of the Constitution and Statutes of the State of Colorado and the Town's Home Rule Charter; and

WHEREAS, the Town has recently acquired certain real property in San Miguel County in the Ilium Valley described in the Special Warranty Deed attached hereto as **Exhibit A** (the "Ilium Property"); and

WHEREAS, the primary purpose of acquiring the Ilium Property was for the development of workforce housing, and in connection therewith the Town of Mountain Village Housing Authority previously approved Resolution 2023-1019-23 approving a site and improvement lease with ZMFU II, Inc., other related documents to provide financing for the development of the Ilium Property, all of which documents contemplate that the Housing Authority would be the fee title owner of the Ilium Property; and

WHEREAS, the Town Council has previously passed Resolution 2023-1019-24 expressing its support and approval of the transaction between the Housing Authority and ZMFU II, Inc. and the related documents, including the acquisition of the Ilium Property by the Housing Authority; and

WHEREAS, the Mountain Village Home Rule Charter provides that Town Council has the power and authority to convey real property owned by the Town by ordinance or resolution without first obtaining the approval of a majority of the electorate; and

WHEREAS, through the adoption of Resolutions 2023-1019-23 and 2023-1019-24, the Town Council has already expressed its approval of the transfer of title of the Ilium Property from the Town to the Housing Authority; and

WHEREAS, for the avoidance of any doubt, the Town Council wishes to approve this Resolution to ratify and affirm the transfer of the Ilium Property to the Housing Authority pursuant to the Special Warranty Deed attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mountain Village that:

**Section 1. Recitals.** The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Resolution.

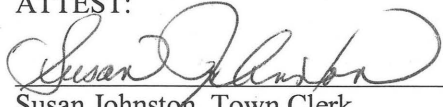
**Section 2. Ratification of Deed.** The Town Council hereby approves and ratifies the transfer of real property from the Town to the Housing Authority pursuant to the Special Warranty Deed attached hereto as Exhibit A including the execution and delivery of said deed to the Housing Authority.

**ADOPTED AND APPROVED** by the Town Council at a regular public meeting held on November 16, 2023.

TOWN OF MOUNTAIN VILLAGE

By:   
Martinique Prohaska, Mayor

ATTEST:

  
Susan Johnston, Town Clerk

Approved as to form:

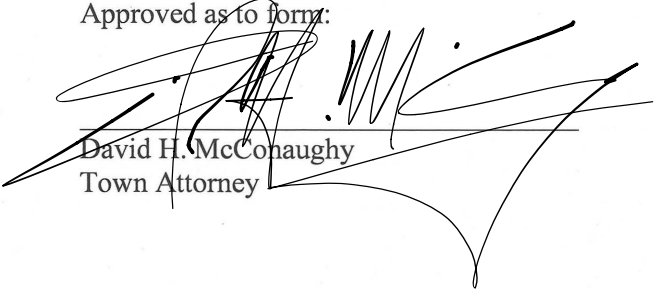
  
David H. McConaughy  
Town Attorney

Exhibit A

After recordation, please return to:  
Cory Kalanick, Esq.  
Sherman & Howard L.L.C.  
675 Fifteenth Street, Suite 2300  
Denver, Colorado 80203

State Documentary Fee \$0.00 11-08-2023
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<b>State Documentary Fee</b> <b>Date Nonember 8th, 2023</b> <b>EXEMPT MB</b>
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**SPECIAL WARRANTY DEED**

**\*\*EXEMPT FROM DOCUMENTARY FEE UNDER CRS 39-13-104(1)a\*\***

**THE TOWN OF MOUNTAIN VILLAGE, A HOME RULE MUNICIPALITY OF THE STATE OF COLORADO** ("Grantor"), whose street address is 455 Mountain Village Blvd. Suite A, Mountain Village, Colorado 81435, for the consideration of SEVEN MILLION DOLLARS AND NO/100 (\$7,000,000.00) and other good and valuable consideration, in hand paid, hereby sells and conveys to the **TOWN OF MOUNTAIN VILLAGE HOUSING AUTHORITY, A BODY CORPORATE AND POLITIC OF THE STATE OF COLORADO** ("Grantee"), whose street address is 455 Mountain Village Blvd. Suite A, Mountain Village, Colorado 81435, its Fee Simple interest in the following real property in the County of San Miguel and State of Colorado, to wit:

See the legal description set forth in Exhibit "A" attached and incorporated by this reference (the "Property")

with all its appurtenances, and all other rights and privileges appurtenant to such interest in the Property and warrants the title to the same against all persons claiming under Grantor.

This Property is conveyed subject to those matters set forth on Exhibit "B" attached hereto and by this reference made a part hereof.

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*[Remainder of page left intentionally blank]*



86015117

DATED the 7th day of November, 2023.

**GRANTOR:**

THE TOWN OF MOUNTAIN VILLAGE,  
A HOME RULE MUNICIPALITY OF  
THE STATE OF COLORADO

By: Marti Prohaska  
Marti Prohaska, Mayor

**ACKNOWLEDGMENT**

STATE OF COLORADO                    )  
  ) ss.  
SAN MIGUEL COUNTY                    )

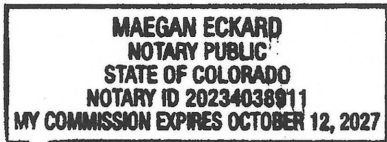
The foregoing instrument was acknowledged before me this 07 day of November, 2023, by Marti Prohaska, Mayor of THE TOWN OF MOUNTAIN VILLAGE, A HOME RULE MUNICIPALITY OF THE STATE OF COLORADO.

WITNESS my hand and official seal.

[SEAL]

Maegan Eckard  
Notary Public

My Commission expires: 10/12/2027



**ACKNOWLEDGED BY**

**GRANTEE:**

TOWN OF MOUNTAIN VILLAGE HOUSING AUTHORITY,  
A BODY CORPORATE AND POLITIC OF  
THE STATE OF COLORADO

By: Marti Prohaska  
Marti Prohaska, Chair

**ACKNOWLEDGMENT**

STATE OF COLORADO )  
 ) ss.  
SAN MIGUEL COUNTY )

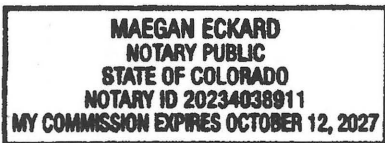
The foregoing instrument was acknowledged before me this 07 day of November, 2023, by Marti Prohaska, Chair of the Board of Directors of the TOWN OF MOUNTAIN VILLAGE HOUSING AUTHORITY, A BODY CORPORATE AND POLITIC OF THE STATE OF COLORADO.

WITNESS my hand and official seal.

[SEAL]

Maegan Eckard  
Notary Public

My Commission expires: 10/12/27



**EXHIBIT "A"**

**THE PROPERTY**

The Property referred to herein below is situated in the County of San Miguel, State of Colorado, and is legally described as follows:

PARCEL 1, ALEXANDER ILIUM PROPERTY SUBDIVISION EXEMPTION PLAT, FOR LOT LINE ADJUSTMENT, RECORDED JUNE 28, 2023 UNDER RECEPTION NO 481406, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

**EXHIBIT "B"**

**PERMITTED EXCEPTIONS**

1. LEASES AND TENANCIES, IF ANY.
2. RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 29, 1892 IN BOOK 52 AT PAGE 133.
3. RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED OCTOBER 30, 1889 IN BOOK 52 AT PAGE 128.
4. RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 19, 1902 IN BOOK 52 AT PAGE 155.
5. RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 19, 1902 IN BOOK 52 AT PAGE 154.
6. UNDIVIDED 1/2 INTEREST IN ALL OIL, GAS AND OTHER MINERALS LYING IN, ON OR UNDER SUBJECT
7. PROPERTY AS CONVEYED IN INSTRUMENT RECORDED FEBRUARY 15, 1968 IN BOOK 308 AT PAGE 341
8. UNDIVIDED 1/2 INTEREST IN ALL OIL, GAS AND OTHER MINERALS LYING IN, ON OR UNDER SUBJECT PROPERTY AS CONVEYED IN INSTRUMENT RECORDED DECEMBER 30, 2003 UNDER RECEPTION NO. 363091.
9. ANY RIGHTS OR INTERESTS OF THIRD PARTIES WHICH EXIST OR ARE CLAIMED TO EXIST IN AND OVER THE PRESENT AND PAST BED, BANKS OR WATERS OF YUKON DITCH, WHICH TRAVERSES SUBJECT PROPERTY, INCLUDING BUT NOT LIMITED TO DITCH MAINTENANCE AND ACCESS RIGHTS TO LANDS ADJOINING SAID DITCH, AS DISCLOSED BY



INSTURMENT RECORDED SEPTEMBER 15, 1897 UNDER RECEPTION NO. 21193.

10. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN DEED RECORDED SEPTEMBER 30, 1890 IN BOOK 11 AT PAGE 361 AND DEED RECORDED APRIL 24, 1891 IN BOOK 54 AT PAGE 484, AND RECEIVER'S DEED RECORDED MARCH 27, 1953 IN BOOK 220 AT PAGE 33, AND DEED RECORDED JUNE 20, 1991 IN BOOK 478 AT PAGE 934, AND THE EFFECT OF LETTER REGARDING THE OLD RIO GRAND SOUTHERN RAILROAD RIGHT-OF-WAY, RECORDED OCTOBER 7, 1992, IN BOOK 499 AT PAGE 472, AND DEED RECORDED DECEMBER 30, 2003 UNDER RECEPTION NO. 363087.
11. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN RIGHT-OF-WAY EASEMENT RECORDED AUGUST 19, 1986 IN BOOK 429 AT PAGE 328.
12. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT GRANTING EASEMENTS RECORDED OCTOBER 20, 1994 IN BOOK 536 AT PAGE 794 AND AS AMENDED IN INSTRUMENT RECORDED DECEMBER 7, 2006 UNDER RECEPTION NO. 388901.
13. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE ROAD DEDICATION PLAT FOR COUNTY ROAD 63L RECORDED DECEMBER 07, 2006 IN PLAT BOOK 1 AT PAGE 3773.
14. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT TO GRANT TEMPORARY CONSTRUCTION EASEMENT RECORDED DECEMBER 07, 2006 UNDER RECEPTION NO. 388904.
15. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE SHAVANO CONSERVATION DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED MAY 20, 2021 UNDER RECEPTION NO. 470215.
16. ANY RIGHTS OR INTERESTS OF THIRD PARTIES WHICH EXIST OR ARE CLAIMED TO EXIST IN AND OVER THE PRESENT AND PAST BED, BANKS OR WATERS OF SAN MIGUEL RIVER AND THE SOUTH FORK OF THE SAN MIGUEL RIVER.
17. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN RESOLUTION RECORDED APRIL 24, 2023 UNDER RECEPTION NO. 480778 AND RERECORDED JUNE 28, 2023 UNDER RECEPTION NO. 481405.
18. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF ALEXANDER LLIUM PROPERTY SUBDIVISION EXEMPTION PLAT FOR LOT LINE ADJUSTMENT RECORDED JUNE 28, 2023 UNDER RECEPTION NO. 481406.

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