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LORETTA BANIER
PITKIN CITY RECORDER

APR 14 10 55 AM '82

STATEMENT OF EXCEPTION FROM THE FULL
SUBDIVISION PROCESS FOR THE
PURPOSE OF CONDOMINIUMIZATION

WHEREAS, MOUNTAIN RIVER MANOR and JAMES J. MOLLICA (hereinafter "Applicant"), is the owner of real property and the improvements thereon situated in the City of Aspen, Pitkin County, Colorado more particularly described as follows:

Lots K, L, and M
Block 26
EAST ASPEN ADDITION

and also

Lot in West End Street, also referred to as Lot in West End Street West of said Block 26 in East Aspen Addition in and to the City of Aspen, also referred to as a Lot West of Lot K in said Block 26, East Aspen Addition in and to the City of Aspen, described as follows:

"bounded on the North by the Northerly line of Block 26 extended Westerly a distance of 30 feet;"

"bounded on the South by the Southerly line of Block 26 extended Westerly a distance of 30 feet;"

"bounded on the East by the Westerly line of Lot K in said Block 26, being a distance of 100 feet;"

"and bounded on the West by a line of 30 feet Westerly of and at all points parallel to the Westerly line of said Lot K in Block 26."; and

WHEREAS, Applicant has requested an exception from the full subdivision process for the purpose of condominiumizing the building on the subject property; and

WHEREAS, the Aspen Planning and Zoning Commission at its meeting of April 21, 1981 determined that such exception would be appropriate and recommended that the same be granted subject to the condition described hereafter;

4-14-8

WHEREAS, City Council determined at its meeting of April 27, 1981 that the owner's request for such exception was appropriate subject, however, to the condition described hereafter;

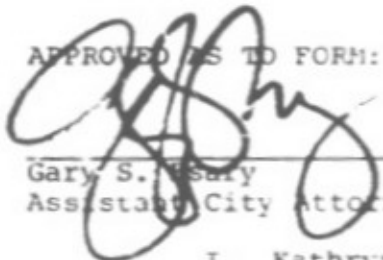
NOW, THEREFORE, the City Council of Aspen, Colorado does determine that the owner's application for exception from the full subdivision process for the purpose of condominiumization of the MOUNTAIN RIVER MANOR is proper because the owner's proposed condominiumization is not within the intents and purpose of Subdivision Ordinance, hereby grants for such reason an exception from the full subdivision process for such action;

PROVIDED, HOWEVER, that the foregoing exception is expressly conditioned upon the applicant's immediate recording with the Pitkin County Clerk and Recorder of that certain "Declaration of Covenants, Restrictions and Conditions for the Mountain River Manor" dated April 12, 1982, a copy of which is attached hereto as Exhibit "A" and the applicant's compliance with the provisions therein and all other conditions of approval on this matter set by City Council at its meeting of April 27, 1981.

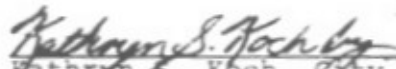
Dated this 12th day of April, 1982.


HERMAN EDEL, Mayor

APPROVED AS TO FORM:

 4/12/82
Gary S. Esary
Assistant City Attorney

I, Kathryn S. Koch, do hereby certify that the foregoing Statement of Exception from the Full Subdivision Process for the Purposes of Condominiumization was considered and approved by the Aspen City Council at its regular meeting held April 27, 1981, at which time the Mayor, Herman Edel, was authorized to execute the same on behalf of the City of Aspen.


Kathryn S. Koch, City Clerk


Virginia M. Baill
Deputy City Clerk

4-14-82

EXHIBIT "A"

DECLARATION OF COVENANTS, RESTRICTIONS
AND CONDITIONS FOR THE
MOUNTAIN RIVER MANOR
(Formerly known as the Laurilat Condominiums)

MOUNTAIN RIVER MANOR and JAMES J. MOLLIKA (hereinafter "Covenantor"), for themselves and for their successors and assigns, in consideration for the granting of an exception from the full subdivision process for the purpose of condominiumization with respect to the following described property, hereby covenants with the CITY OF ASPEN in Pitkin County, Colorado to restrict such property, and hereby does restrict such property, as follows:

1. Covenantor is owner of the following described property, together with the improvements located thereon (an existing sixteen-unit residential building) situated in the City of Aspen, County of Pitkin, State of Colorado:

Lots K, L, and M
Block 26
EAST ASPEN ADDITION

and also

Lot in West End Street, also referred to as Lot in West End Street West of said Block 26 in East Aspen Addition in and to the City of Aspen, also referred to as a Lot West of Lot K in said Block 26, East Aspen Addition in and to the City of Aspen, described as follows:

"bounded on the North by the Northerly line of Block 26 extended Westerly a distance of 30 feet;"

"bounded on the South by the Southerly line of Block 26 extended Westerly a distance of 30 feet;"

"bounded on the East by the Westerly line of Lot K in said Block 26, being a distance of 100 feet;"

"and bounded on the West by a line of 30 feet Westerly of and at all points parallel to the Westerly line of said Lot K in Block 26."

2. The sixteen dwelling units located on the above described property shall be restricted to six month minimum leases with no more than two shorter tenancies per year, all as defined in the Aspen Municipal Code 620-22.1.

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3. The covenants contained herein shall run with the land and shall be binding upon all parties having any right, title or interest in the above described property or any part thereof, their respective representatives, successors and assigns for the period of the life of the longest living member of the presently constituted Aspen City Council, plus twenty-one years, or for a period of fifty years, whichever period is less, from the date these covenants are recorded.

4. None of the covenants contained herein shall be released or waived in any respect during the period for which they are binding without the prior consent of the City of Aspen, reflected by resolution of the City Council of the City of Aspen.

IN WITNESS WHEREOF, this Declaration has been duly executed this 12th day of April, 1982, by JAMES J. MOLLICA, individually and for MOUNTAIN RIVER MANOR.

James J. Mollica
 JAMES J. MOLLICA, individually
 and for MOUNTAIN RIVER MANOR

STATE OF COLORADO)
) ss.
 COUNTY OF PITKIN)

The foregoing instrument was subscribed and sworn to before me this 12th day of April, 1982, by JAMES J. MOLLICA, individually and for MOUNTAIN RIVER MANOR.

WITNESS my hand and Official Seal.
 My commission expires: *June 1, 1985*

Don L. Schindler
 Notary Public
 600 N. Hopkins Avenue
 Aspen, CO 81611

4-14-82

Junk yard. A site or parcel of land used for the collection, storage, salvaging, dismantling, disassembly or sale of waste paper, rags, scrap metal, discarded appliances, vehicles, machinery or other discarded materials. (See Supplementary Regulations--section 26.575.045(H), Junk Yards).

Kitchen. A room or other portion of a structure used for the preparation and cooking of food and which contains a refrigerator, sink, stove, range, cooktop or similar cooking device.

Linked pavilion. An enclosed walkway connecting a primary structure to an accessory structure. (See Supplementary Regulations--section 26.575.020(A)(8), Linked Pavilion).

Lodge. Same as hotel.

Loggia. A deck, or porch attached to a living space and open on at least one side developed under a roof as an integral part of the building's mass rather than as an appended element.

Logo. An artistic portrayal or decorative pattern printed or otherwise placed on an exterior wall, window sign or other exterior surface which may be viewed from outside the premises upon which it has been placed and which is used or displayed to identify, advertise or promote the premises, a person, business, service, organization or product.

Long term. The occupancy of a dwelling unit for residential purposes for a time period not less than six (6) consecutive months and shall include rental occupancies, except that two (2) shorter rental occupancies may be allowed per dwelling unit per year.

Lot. A defined individual area or unit of land resulting from subdivision and reflected on a recorded plat approved by the city; or if created and recorded prior to the adoption by the city of subdivision regulations, or prior to its annexation into the city, a unit or area of land designated by a separate and distinct number or letter which is illustrated on a plat recorded in the office of the Clerk and Recorder for Pitkin County.

Lot area. The total horizontal area contained within the lot lines of a lot, or other parcel of land. (See, Supplementary Regulations - Section 26.575.020, Calculations and Measurements).

Lot depth. The shortest horizontal distance between the front and rear lot lines.

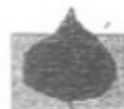
Lot line, front. The line normally closest to and/or dividing a lot from a street or street right-of-way.

Lot line, rear. The lot line opposite the front lot line.

Lot line, side. The lot lines other than front or rear lot lines.

Lot width. The horizontal distance between the side lot lines as measured along the front yard setback line.

Certified Mail #: 7006 2760 0004 8402 6154
Regular Mail



THE CITY OF ASPEN

Date: February 3, 2009

Re: Zoning violation of the long-term residential purpose of the RMF zone district.

Dear [REDACTED]

It has come to my attention, through a citizen complaint that you are in violation of the City of Aspen Land Use Code for the property located at 900 E. Hopkins Ave., Unit Aspen, CO 81611, Tax Parcel No.: 27371820. The complaint is that you are using your private residence for short term lodging/rentals in the Residential/Multi Family (RMF) zone district. The basis for this enforcement action is the "Purpose" statement for the RMF zone district as found in Section 26.710.090 and the definition of "long-term" as found in the Definition Section 26.104.100. The Purpose and Definition sections state:

Sec. 26.710.090 Residential/Multi Family

Purpose. The purpose of the Residential Multi Family (RMF) Zone District is to provide for the use of land for intensive **long-term** residential purposes with customary accessory uses.

Sec. 26.104.100. Definitions

Long term. The occupancy of a dwelling unit for residential purposes for a time period not less than six (6) consecutive months and shall include rental occupancies, except that two (2) shorter rental occupancies may be allowed per dwelling unit per year.

The complaint contained information for the website www.vrbo.com/161082 (Vacation Rentals By Owner). The site shows times when the unit is both available and unavailable to rent. Currently it shows that there are three (3) timeframes that the unit is unavailable.

Violations of the City's code can result in a citation into Municipal Court, fines of up to \$1,000 per day and or jail time. I am sending this letter to inform you of the City's regulations, procedures and consequences. Your immediate compliance to this regulation would be very much appreciated. In the alternative I will turn this matter over to The City Attorney. I will need a response within 30 days as to what action you will be taking.

If you have any questions regarding this matter, please call me at 970-429-2797.

Regards,

A horizontal line representing a signature, with the text below it being redacted.A thick, solid black horizontal bar redacting the name of the sender.

City of Aspen

Copy: Jim True, Assistant City Attorney