

**RESOLUTION OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO TOWN COUNCIL  
APPROVING A REVOCABLE ENCROACHMENT AGREEMENT INTO THE  
BENCHMARK DRIVE RIGHT-OF-WAY FOR A NEW STONE ADDRESS MONUMENT FOR  
THE ADJACENT SINGLE FAMILY RESIDENCE LOCATED ON LOT 202B**

**RESOLUTION NO. 2015-0716-15**

**RECITALS:**

- A. The Town of Mountain Village (“Town”) is the owner of record of real property described as the Benchmark Drive Right-of-Way; and,
- B. Samuel Mencoff (“Owner”) is the owner of record of real property described as Lot 202B, Town of Mountain Village, CO;
- C. Right-of-way encroachments are a discretionary allowance of the Town Council; and
- D. The proposed revocable encroachment is needed to allow for the new stone address monument in the place of the existing failing wood monument; and,
- E. The Town Council conducted a public meeting on July 16, 2015.

**Now, Therefore, Be It Resolved** that the Town Council hereby approves a revocable encroachment in the Benchmark Drive Right-of-Way as set forth in Exhibit A with a condition that the Planning Division staff prepares a revocable encroachment agreement for execution by the Town Manager and the Owner.

**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and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the resolutions repealed or amended as herein provided and the same shall be construed and concluded under such prior resolutions.
- B. All resolutions, of the Town, or parts thereof, inconsistent or in conflict with this Resolution, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.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 July 16, 2015 (the “Effective Date”) as herein referenced throughout this Resolution.

**Section 4. Public Meeting**


A public meeting on this Resolution was held on the 16<sup>th</sup> day of July, 2015 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

Approved by the Mountain Village Town Council at a public meeting on July 16, 2015.

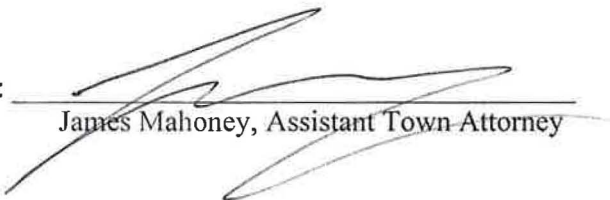
**Town of Mountain Village, Town Council**

By:   
Dan Jansen, Mayor

**Attest:**

By:   
Jackie Kennefick, Town Clerk

**Approved as to form:**

By:   
James Mahoney, Assistant Town Attorney