

**RESOLUTION OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO TOWN COUNCIL  
APPROVING A REVOCABLE ENCROACHMENT AGREEMENT INTO THE COUNTRY  
CLUB DRIVE RIGHT-OF-WAY FOR PARKING, LANDSCAPING AND WALKWAY  
ADJACENT NEW SINGLE FAMILY RESIDENCE LOCATED ON LOT 149AR**

**RESOLUTION NO. 2017-0620-13**

**RECITALS:**

- A. The Town of Mountain Village (“Town”) is the owner of record of real property described as the Country Club Drive Right-of-Way; and,
- B. George and Cynthia Barutha (“Owners”) is the owner of record of real property described as Lot 149AR, 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 parking, landscaping and a walkway; and,
- E. The Town Council conducted a public meeting on June 20, 2017.

**Now, Therefore, Be It Resolved** that the Town Council hereby approves a revocable encroachment in the Country Club 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 Mayor 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and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the resolutions repealed or amended as herein provided and the same shall be construed and concluded under such prior resolutions.
- B. All resolutions, of the Town, or parts thereof, inconsistent or in conflict with this Resolution, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.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 June 20, 2017 (the “Effective Date”) as herein referenced throughout this Resolution.

**Section 4. Public Meeting**

A public meeting on this Resolution was held on the 20<sup>th</sup> day of June, 2017 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 June 20, 2017.

**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