

A RESOLUTION TO CORRECT AN ERROR ON THE LOT NUMBER IDENTIFIED IN THE PREVIOUSLY APPROVED RESOLUTION NO 2015-0326-05 APPROVING A REVOCABLE ENCROACHMENT AGREEMENT INTO THE AJ DRIVE RIGHT-OF-WAY FOR A STONE BORDER AND NEW PLANTINGS FOR THE ADJACENT SINGLE FAMILY RESIDENCE LOCATED ON LOT 662

RESOLUTION NO. 2015-0423-06

RECITALS:

- A. The Town Council adopted Resolution Number 2015-0326-05, which incorrectly identified the subject property as Lot 622, when the correct Lot is Lot 662. This resolution corrects Resolution Number 2015-0326-05 with respect to the correction of the lot identification.
- B. The Town of Mountain Village (“Town”) is the owner of record of real property described as the AJ Drive Right-of-Way; and,
- C. John and Amy Miller (“Owners”) is the owner of record of real property described as Lot 662;
- D. Right-of-way encroachments are a discretionary allowance of the Town Council; and
- E. The proposed revocable encroachment is needed to allow for the new stone border and new plantings; and,
- F. The Town Council conducted a public meeting on March 26, 2015.

Now, Therefore, Be It Resolved that the Town Council hereby approves a revocable encroachment in the AJ 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and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the resolutions repealed or amended as herein provided and the same shall be construed and concluded under such prior resolutions.
- B. All resolutions, of the Town, or parts thereof, inconsistent or in conflict with this Resolution, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.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 March 26, 2015 (the “Effective Date”) as herein referenced throughout this Resolution.

Section 4. Public Meeting

A public meeting on this Resolution was held on the 26th day of March, 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 March 26, 2015.



Town of Mountain Village, Town Council

By: *Daniel J Jansen*
Dan Jansen, Chair

Attest:

By: *Jackie Kennefick*
Jackie Kennefick, Town Clerk

Approved as to form:

By: *[Signature]*
James Mahoney, Assistant Town Attorney