

**RESOLUTION OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO TOWN COUNCIL  
APPROVING A REVOCABLE ENCROACHMENT AGREEMENT INTO THE SINGLETREE  
RIGHT-OF-WAY FOR A RETAINING WALL, AND DRIVEWAY APRON FOR THE  
ADJACENT SINGLE-FAMILY RESIDENCE LOCATED ON LOT AR-31**

**RESOLUTION NO. 2018-1018-18**

**RECITALS:**

- A. The Town of Mountain Village (“Town”) is the owner of record of real property described as the Singletree Way Right-of-Way; and,
- B. Bertrand Marchall (“Owners”) is the owner of record of real property described as Lot AR-31;
- 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 retaining wall, and driveway apron; and,
- E. The Town Council conducted a public meeting on October 18, 2018.

**Now, Therefore, Be It Resolved** that the Town Council hereby approves a revocable encroachment in the Singletree Way 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and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the resolutions repealed or amended as herein provided and the same shall be construed and concluded under such prior resolutions.
- B. All resolutions, of the Town, or parts thereof, inconsistent or in conflict with this Resolution, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.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 October 18, 2018 (the “Effective Date”) as herein referenced throughout this Resolution.

**Section 4. Public Meeting**

A public meeting on this Resolution was held on the 18<sup>th</sup> day of October, 2018 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 October 18, 2018.

**Town of Mountain Village, Town Council**

By:   
Laila Benitez, Mayor

**Attest:**

By:   
Jackie Kennefick, Town Clerk

**Approved as to form:**

By:   
James Mahoney, Assistant Town Attorney



**Uncompahgre  
Engineering, LLC**

P.O. Box 3945  
Telluride, CO 81435  
970-729-0683

SUBMISSIONS:  
SUBMITTAL

**Marchal Residence  
Lot AR-31  
Mtn. Village, CO**

**NOT FOR CONSTRUCTION**

CONSULT THE REGULATIONS AND ORDINANCES OF THE  
CITY OF TELLURIDE AND INTERCOMPLIANT AGENCIES  
AND VERIFY THE ACCURACY OF THE  
INFORMATION PRIOR TO ANY FIELD WORK BEING  
DONE IN ACCORDANCE WITH THE REGULATORY CODE.

Plan

**C1**

