

**RESOLUTION OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO TOWN COUNCIL
APPROVING A REVOCABLE ENCROACHMENT AGREEMENT INTO THE ROCKY ROAD
RIGHT-OF-WAY FOR A DRIVEWAY APRON AND MICROPILE SHORING NAILS FOR
THE ADJACENT SINGLE-FAMILY RESIDENCE LOCATED ON LOT 359**

RESOLUTION NO. 2018-1213-32

RECITALS:

- A. The Town of Mountain Village (“Town”) is the owner of record of real property described as the Rocky Road Way Right-of-Way; and,
- B. 108Percent, LLC (“Owners”) is the owner of record of real property described as Lot 359;
- 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 driveway apron and subterranean shoring nails; and,
- E. The Town Council conducted a public meeting on December 13, 2018.

Now, Therefore, Be It Resolved that the Town Council hereby approves a revocable encroachment in the Rocky Road 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and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the resolutions repealed or amended as herein provided and the same shall be construed and concluded under such prior resolutions.
- B. All resolutions, of the Town, or parts thereof, inconsistent or in conflict with this Resolution, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.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 December 13, 2018 (the “Effective Date”) as herein referenced throughout this Resolution.

Section 4. Public Meeting

A public meeting on this Resolution was held on the 13th day of December 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 December 13th, 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