

**RESOLUTION OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO TOWN COUNCIL APPROVING A REVOCABLE ENCROACHMENT AGREEMENT INTO THE GRANITE RIDGE RIGHT-OF-WAY FOR STRUCTURAL STONE BARS FOR THE ADJACENT SINGLE-FAMILY RESIDENCE LOCATED ON LOT 138**

**RESOLUTION NO. 2022-0120-02**

**RECITALS:**

- A. The Town of Mountain Village ("Town") is the owner of record of real property described as the Granite Ridge Right-of-Way/Tract A-1; and,
- B. Vikrant Bhatia and Jasmin Bhatia ("Owners") are the owner of record of real property described as Lot 138;
- 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 and home structural support; and,
- E. The Town Council conducted a public meeting on January 20, 2022.

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

**Section 1. Conditions of Approval**

- 1. A license agreement with the Town for any road right of way encroachments will be entered into prior to the issuance of a building permit.
- 2. An updated as built exhibit showing all constructed encroachments in the right of way will be recorded with the license agreement and recorded with the County prior to the issuance of a Certificate of Occupancy.
- 3. The right of way encroachments are premised on the subdivision and site specific design approvals. If the design approval expires, the right of way encroachment approval also expires.

**Section 2. 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and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the resolutions repealed or amended as herein provided and the same shall be construed and concluded under such prior resolutions.
- B. All resolutions, of the Town, or parts thereof, inconsistent or in conflict with this Resolution, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.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 3. 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 4. Effective Date**

This Resolution shall become effective on January 20, 2022 (the "Effective Date") as herein referenced throughout this Resolution.

**Section 5. Public Meeting**

A public meeting on this Resolution was held on the 20<sup>th</sup> day of January 2022 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 January 20, 2022

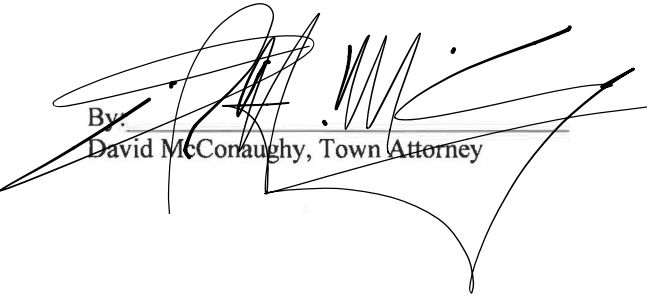
**Town of Mountain Village, Town Council**

By:   
Laila Benitez, Mayor

**Attest:**

By:   
Susan Johnston, Town Clerk

**Approved as to form:**

By:   
David McCoraughy, Town Attorney

October 28, 2021

**RE: LOT 138 GRANITE RIDGE – BHATIA RESIDENCE CLASS 5 APPLICATION**

To: Mountain Village Planning Department

Thank you for taking the time to review our Class 5 application for the proposed residence on Lot 138 Granite Ridge, Mountain Village, Colorado.

The parcel is located on the east hillside of Granite Ridge where a steep cut shows the geological composition of the site; layers of rock slab formations with a potential of sliding west down the slope. A site analysis and recommendations by the Geotechnical and Civil Engineers were critical components in the design of the home deeming any cuts across the site on a north-south axis as destabilizing this formation.

Based on these recommendations, the proposed house design spans across 4 stone bars which stabilize and anchor the structure to its natural grade; an appropriate design approach responding to the geological site conditions.

Our request for the vacation of the western general easement is due to the challenging site conditions and the required foundation design.

The access from Granite Ridge to the site is a 5% sloped driveway based on the Fire Department's recommendations, placing the garage slab at 9716'-6". From this elevation, the house has to move vertically to a floor height that clears the natural grade at 9746'-0"; a total rise of 29'-6" to arrive to the lower level. Any push of the structure to the east and up the hillside further exacerbates the issue.

Due to the challenging site conditions, we request part of the foundation to be located into the 16 foot west general easement. This request still allows adequate clear space (14 feet to 27 feet) between the house foundation and the edge of paved road.

Thank you for taking the time to review our variance application and should you have any questions please do not hesitate to contact me directly.

Narcis Tudor  
**ARCHITECT** # 00402820  
*info@narcistudor.com*