

**RESOLUTION OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO TOWN
COUNCIL APPROVING A LICENSE AGREEMENT ALLOWING ENCROACHMENT
INTO THE STONEGATE RIGHT-OF-WAY FOR SOIL NAILING FOR ROAD
STABILIZATION AND ACCESS TO THE ADJACENT SINGLE-FAMILY RESIDENCE
LOCATED ON LOT 166AR2-2**

RESOLUTION NO. 2022-1020-15

RECITALS:

- A. Stonegate Sundance Partners, LLC is the owner of record of real property described as the Stonegate Drive Right-of-Way/Tract A-1; and,
- B. It is understood that the Town of Mountain Village “the Town” has accepted the improvements of this access tract and controls its use; and,
- C. 2 Stonegate, LLC ("Owners") are the owner of record of real property described as Lot 166AR2-2; and,
- D. Right-of-way encroachments are a discretionary allowance of the Town Council; and
- E. The proposed license agreement is needed to allow for the stabilization of Stonegate Drive as well as the access to the home; and,
- F. The Town Council conducted a public meeting on October 20, 2022.

Now, Therefore, Be It Resolved that the Town Council hereby approves a license agreement in the Stonegate Drive Right-of-Way 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. Prior to issuance of building permit, the engineered soil nail design will be reviewed by Town Public Works and Town Engineers for necessary approvals.
- 2. Prior to building permit, a development agreement will be entered into between the Town and the applicant to ensure completion of the engineered retaining wall re-build, inclusive of a financial guarantee bond for 125% of the projected cost. The form of the development agreement shall be reviewed by the Town Attorney and may be approved by the Town Manager without further Council action.
- 3. 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. The form of the license agreement shall be reviewed by the Town Attorney and may be approved by the Town Manager without further Council action.
- 4. 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.

5. 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 October 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 20th day of October 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 October 20, 2022

Town of Mountain Village, Town Council

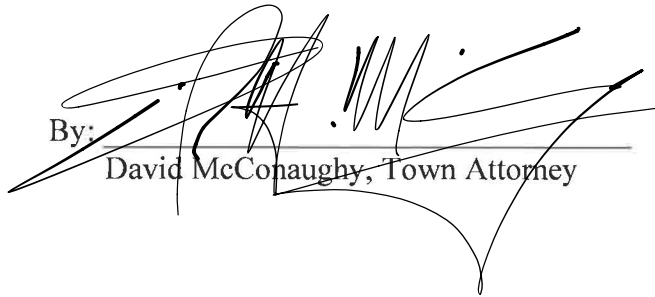
By: 

Laila Benitez, Mayor

Attest:

By: 
Susan Johnston, Town Clerk

Approved as to form:

By: 
David McConaughy, Town Attorney