



## BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

**Subject:** Discussion and any necessary action regarding Consent to Encroachment for 1200 W. 4th

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** City Manager

---

### **BACKGROUND INFORMATION:**

Louise Miller, the owner of property located at 1200 W. 4<sup>th</sup>, is attempting to sell her property. In the process, it was discovered that the manufactured home on the property extends approximately two feet into Pecan Street. Ms. Miller's attorney, Gary Trammel, has requested that the City formally consent to this encroachment so the sale can proceed.

The survey that the City received from the title company reflects that there is a chain link and pipe fence extending 28 feet into Pecan Street. However, it is the City's understanding that the title company is not requesting that the City consent to the location of the fence since it is a temporary structure. Staff advises against consenting to the location of the fence at this time, since it encroaches on a significant portion of the City's right-of-way.

The consent to encroachment that has been prepared simply says that the City is allowing the manufactured home to remain in place, even though it encroaches into a City street, for so long as the home remains on the property. If the home is removed or replaced, a new home would need to be located within the boundaries of the property. Since the consent to encroachment does not consent to the location of the chain link fence, that fence would have to be removed.

### **FINANCIAL IMPACT:**

### **STAFF RECOMMENDATION:**

Consider approval of the Consent to Encroachment for 1200 W. 4<sup>th</sup> as presented.