



BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

Subject: Discussion and any necessary action regarding an encroachment agreement with New Destination Church for parking on a portion of what is formerly Dyer Street in the Original Town of Breckenridge.

Department: Administration

Staff Contact: Cynthia Northrop

Title: City manager

BACKGROUND INFORMATION:

In the process of selling the Old Senior Building via sealed bid process we obtained a survey and discovered Dyer Street was not ever closed. Commissioners acted to close Dyer Street and deed the south half to the buyers (New Destination Church) as it was also discovered that the actual building was partially in the Dyer Street ROW. The church has been using the area for parking. With the closing of Dyer Street, the city retains the north half of the ROW, so part of the parking lot of the church is now technically city property.

This encroachment agreement will allow the Church to continue to use the property for their church parking. The city will not be responsible to maintain the area however, the church may choose to maintain the area (see section 2 of the agreement copied below):

2. Maintenance. The Church may, but is not obligated to, maintain the Encroachment. Whenever the Church shall perform any construction, maintenance, repairs or replacements to the Encroachment, such work shall be done expeditiously and in a good and workmanlike manner and in accordance with all applicable laws, codes, rules, statutes and regulations of governmental authorities having jurisdiction thereof. The City shall have no obligation to perform any maintenance or improvements to the City Property or the Encroachment.

FINANCIAL IMPACT:

NA

STAFF RECOMMENDATION:

Move to approve Encroachment agreement with New Destination Church for parking on a portion of what is formerly Dyer Street in the Original Town of Breckenridge.