



## BOARD OF TRUSTEES STAFF MEMORANDUM

**DATE:** January 26, 2026  
**TO:** Mayor and Board of Trustees  
**FROM:** Emily Weber, Contract Staff - Planning Department  
**SUBJECT:** **Action Item:** Request for a Public Property Encroachment Agreement related to Town of Grand Lake property. The request involves an existing single-family residence that is partially encroaching onto Town-owned property, as well as the proposed construction of a dock.

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### Overview

- **Property Owner and Applicant:** David Baumann
- **Project Location:** 1120 County Road 6952, Grand County
- **Request:** David Baumann, property owner of 1120 County Road 6952, is seeking approval of an Encroachment Agreement for the existing single-family residence constructed partially on Town of Grand Lake property and for the proposed construction of a dock located completely on Town of Grand Lake property adjacent to the Baumann property.



Figure 1: 1120 CR 6952 and Town Property

### Background

The applicant is seeking approval of a Public Property Encroachment to be memorialized through an Encroachment Agreement between the applicant and the Town of Grand Lake. The applicant's property is directly adjacent to a parcel owned by the Town of Grand Lake. An existing single-family residence is constructed partially on Town-owned property, and the applicant is also proposing construction of a new, personal recreational dock located entirely on Town of Grand Lake property adjacent to the Baumann property.

The single-family residence has encroached onto municipal property for many years and an existing staircase, located on Town property, provides access to the lake. Through this request, the applicant is



seeking formal authorization for the existing encroachment of the residence as well as approval for a new, proposed 35-foot dock, which would be for private, personal use on Town of Grand Lake property.

The Town property where the encroachment is proposed is accessed from County Road 6952 or via the bridge at Park Point. There are no formal public improvements on the property, however, informal social trails exist and are used to access the waterfront.

### **Staff Analysis**

Per Town Code Section 11-6-1, property owners may seek permission from the Town of Grand Lake to encroach on municipal property. The Town Code identifies two types of encroachments. The proposed encroachment is classified as a Major Encroachment, as it involves structures on Town-owned property.

As part of the review process for a Major Encroachment, notice of the request is sent to all utility companies by certified mail with return receipt requested. Notices were distributed in accordance with the Town Code, and as of the publication of this staff report, no utility companies have provided comments.

The Town Code does not establish specific approval criteria for Major Encroachments, leaving consideration of such requests to the discretion of the Board of Trustees. In this case, the Board is asked to consider two items:

1. The long-standing encroachment of the existing single-family residence; and
2. The proposed encroachment associated with construction of a private, recreational dock.

The purpose of a formal Encroachment Agreement would be to:

- Allow the Town to revoke the encroachment should the property be needed for future municipal purposes.
- Require the applicant to indemnify and hold the Town harmless from any liability associated with the encroachment.
- Require the applicant to provide proof of insurance in the amount specified in the agreement.

### **Staff Recommendation**

In evaluating the proposed Public Property Encroachment, staff recommends the Board consider the following factors:

- Allowing private, personal recreational use of public property
- Consistency with the Comprehensive Plan goals to:
  - Conserve public open lands and their abundant natural resources
  - Improve access to, and interconnectivity with, designated open lands

### **Board of Trustees Discussion and Determination**

The Board of Trustees is asked to review and discuss the proposed Public Property Encroachment request and provide direction on whether to approve, approve with conditions, or deny the encroachment and associated Encroachment Agreement.

### **Attachments**

- Draft Encroachment Agreement
- Site Plan

