

**TOWN OF GRAND LAKE
BOARD OF TRUSTEES
RESOLUTION 12-2023**

A RESOLUTION GRANTING A LICENSE FOR THE ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY OF CERTAIN IMPROVEMENTS LOCATED ADJACENT TO PARCEL 4, DAVEN HAVEN COTTAGES OF THE TOWN OF GRAND LAKE

WHEREAS, the Town of Grand Lake (the “Town”) received an application requesting an encroachment license into a public right-of-way for certain improvements (the “Application”) located adjacent to parcel 4, Daven Haven Cottages into Cairns Avenue as depicted on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, Town Staff has reviewed the Application and the Grand Lake Board of Trustees (the “Board”), based on the Application and staff’s recommendation, is in support of granting the encroachment license subject to the conditions contained below.

BE IT RESOLVED BY THE GRAND LAKE BOARD OF TRUSTEES THAT:

Section 1. A license is hereby granted to Greg and Carey Barnes, as owner (hereinafter the “Grantee”) of Parcel 4, Daven Haven Cottages, Town of Grand Lake, for the purpose of allowing an encroachment into the public right-of-way of Cairns Avenue for preexisting improvements as depicted in Exhibit A.

Section 2. In granting said license, the Town of Grand Lake expressly reserves to itself the right to construct, reconstruct and maintain all municipal utilities and permanent improvements, and further reserves the same right to all utility companies operating under a Town franchise or paying utility occupation tax to the Town.

Section 3. The preexisting improvements being permitted by this Resolution is a 14’x 8’ concrete pad, a dumpster, and a grease clean-out facility; the pre-existing improvements will be screened on all four sides. The preexisting improvements are depicted on Exhibit A. The encroachment is granted to allow the improvements to encroach no more than five feet into the Cairns Avenue right-of-way.

Section 4. This license shall remain in full force and effect for the benefit of the Grantee, their heirs, successors and assigns, until such time as the Town, in its sole determination, determines that this license should end. At such time, within 45 days of the Town providing notice to the Grantee, Grantee shall remove the improvement and restore that portion of the Town right-of-way to pre-existing condition or better at Grantee’s expense. The Grantee may perform normal maintenance and repairs to the improvement, but may not enlarge it further into or above the public right-of-way.

Section 5. This Resolution is adopted with the considerations, among others, that it must be maintained solely by the Owners. Granting of this license shall not be considered a precedent for any future encroachments.

Section 6. In consideration of this license, the Grantee hereby agrees to pay the Town the amount of One Hundred Dollars (\$100.00) in consideration for the granting of this license.

Section 7. This license is expressly conditioned on the Grantee delivering a fully executed Indemnification Agreement attached hereto as Exhibit B and incorporated herein.

DULY MOVED, SECONDED, AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE, COLORADO, THIS 24TH DAY OF APRIL, 2023.

Votes Approving:

Votes Opposing:

Absent:

Abstained:

ATTEST:

TOWN OF GRAND LAKE

Alayna Carrell,
Town Clerk

Stephan Kudron
Mayor