

**RESOLUTION NO. 2011-23**

**PROVIDING FOR THE ENCROACHMENT OF A PORTION OF  
THE GILA STREET RIGHT-OF-WAY**

**WHEREAS**, the Town Council of the Town of Silver City received a request from Mario Quintana, of Silver City, New Mexico, to allow a porch on property located on Lot 1, Block 10 of the Fraser Addition, addressed as 202 Gila Street that encroaches into the Gila Street right-of-way; and

**WHEREAS**, the Community Development Department and other Town staff recommend approval of the request for an Encroachment Permit for approximately 68 square feet into the Gila Street right-of-way; and

**WHEREAS**, the Town Council accepts such recommendation;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, THAT:**

**Section 1.** The Town grants the applicant with and Encroachment Permit for the portions of the structure encroaching into the Gila Street right-of-way. This provision has the following conditions:

- a) No further encroachments shall occur; and
- b) The Town may require removal of all or part of any encroaching structures or use after 90-days written notice to the property owners.
- c) The water meter must be accessible.

**Section 2.** The Town retains ownership of and reaffirms its need for the entire Gila Street right-of-way.

**Section 3.** The Town only addresses the Town's consideration of the Gila Street right-of-way and not those of other utilities that may be entitled to use the street right-of-way.

**Section 4.** The Encroachment Permit meets all criteria required in section 6.3.9 of the Land Use and Zoning Code of 2010 based on the following Findings:

**Findings**

- 1. The requested permit conforms to the Town's Comprehensive Plan, the Land Use Code, and any relevant policies adopted by the Town; and
- 2. The proposed encroachment does not endanger the health, safety or general welfare of the community; and
- 3. The proposed encroachment is the minimum necessary to make reasonable use of the applicant's property.

**PASSED, APPROVED AND ADOPTED** this 12<sup>th</sup> day of July 2011.

(Seal)

/s/

\_\_\_\_\_  
James R. Marshall, Mayor

Attest:

/s/

\_\_\_\_\_  
Ann L. Mackie, Town Clerk