

RESOLUTION NO. 2011-27

**PROVIDING FOR THE ENCROACHMENT OF A PORTION OF
THE EAST 13TH STREET RIGHT-OF-WAY**

WHEREAS, the Silver City Town Council received a request from Volunteer Center of Grant County, of Silver City, New Mexico, to allow designated parking spaces on property described as the West 10 feet of Lots 1, 3, 5, and 7, and All of Lots 2, 4, 6, and 8 of Block 254 of Fraser's Survey of the Townsite of Silver City, Grant County, New Mexico, and addressed as 501 E. 13th Street that encroach into the East 13th 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 680 square feet into the East 13th Street right-of-way; and

WHEREAS, the 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 an Encroachment Permit for the portion of the parking area encroaching into the East 13th 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; and
- c) Town utility meters and access points must be accessible; and
- d) The sidewalk adjacent to the encroachment into the right-of-way must remain accessible to pedestrians at all times.

Section 2. The Town retains ownership of and reaffirms its need for the entire East 13th Street right-of-way.

Section 3. The Town only addresses the Town's consideration of the East 13th 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 9th day of August 2011.

(Seal)

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk