

RESOLUTION 2006-25

PROVIDING FOR THE ENCROACHMENT ON A UTILITY EASEMENT ON LOT 10 OF BLOCK 29 OF THE FRASER ADDITION ADJACENT TO PINOS ALTOS STREET

WHEREAS, A property survey determined that a utility easement was created through the center of Lot 10 of Block 29 of the Fraser addition on a tract of land addressed as 107 S. Pinos Altos Street and there is a proposal for the construction of a structure that would encroach on this easement; and

WHEREAS, An easement vacation cannot take place until January 2007; and

WHEREAS, The Community Development Department and other Town Staff recommend approval of the request for an Encroachment Permit for approximately 1000 square feet into the utility easement; 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 may require removal of all or part of any encroaching structure or use after 90 days written notice to the property owners.

Section 2. The Town only addresses the Town's consideration of the utility easement and not those of other utilities that may be entitled to use the utility easement.

Section 3. The Encroachment Permit meets all criteria required in Section 151.092 (I)(3) of the Land Use Code based on the following Findings:

Findings

1. The requested permit conforms to the Town's 2004 Comprehensive Plan, the 1999 Land Use Code and relevant policies adopted by the Town.
2. The proposed encroachment does not endanger the health, safety or general welfare of the community.
3. The proposed encroachment is the minimum necessary to make reasonable use of the applicant's property.

PASSED, APPROVED AND ADOPTED this 27th day of June 2006.

James R. Marshall, Mayor

Attest:

Patricia M. Pino, Acting Town Clerk