

RESOLUTION NO. 6
(Series of 2020)

A RESOLUTION OF THE BOARD OF SELECTMEN FOR THE TOWN OF GEORGETOWN, COLORADO AUTHORIZING AND APPROVING AN ENCROACHMENT LICENSE FOR PROPERTY LOCATED AT 1108 MAIN STREET

WHEREAS, the Town of Georgetown is a Colorado municipal corporation operating under a Territorial Charter and governed by its Board of Selectmen; and

WHEREAS, in the exercise of this authority, the Board of Selectmen has previously enacted Georgetown Municipal Code section 12.32.020, permitting private use of public rights-of-way or other property not in use by the Town through leases, permits or encroachment licenses; and

WHEREAS, the Board has received an application from Daniel Babeon for permission to make private use of a portion of Town owned right-of-way in the vicinity of 1108 Main Street, Lot 8 Block 54, in order to install and maintain a wooden picket fence; and

WHEREAS, the Board of Selectmen previously by Resolution 99-24, Series 1999, approved the installation and maintenance of a stone retaining wall on this property; and


WHEREAS, it is the intention of the applicant herein to construct a white wooden picket fence along the top of the previously-approved stone wall encroachment, for the purpose of providing security for children; and

WHEREAS, the Board of Selectmen finds the issuance of an encroachment license for the subject property would not injure the public interest, but rather would serve the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SELECTMEN FOR GEORGETOWN, COLORADO, that Encroachment License Agreement between the Town and Daniel Babeon, a copy of which is attached to and incorporated herein as **Exhibit A**, be and hereby is approved. The Police Judge and Town Clerk are authorized and directed to execute the same.

RESOLVED, APPROVED and ADOPTED this 9th day of June, 2020.

TOWN OF GEORGETOWN

By: 
Lynette Kelsey, Police Judge

ATTEST:


Jennifer Yobski, Town Clerk



EXHIBIT A

**TOWN OF GEORGETOWN, COLORADO
ENCROACHMENT LICENSE AGREEMENT**

This Agreement is entered into as of 6-10, 2020, by and between the Town of Georgetown, Colorado (Town) and Daniel Babeon, whose address is 1108 Main Street, Georgetown, Colorado (Licensee).

RECITALS

A. Daniel Babeon has applied to the Board of Selectmen for permission to encroach upon the public right-of-way of Main Street at 1108 Main Street, Lot No. 8 Block 54, Town of Georgetown (subject property), with the construction of a white 3 foot tall picket fence to be located above the existing rock wall previously permitted by Resolution 99-24 of the Board of Selectmen.

B. The Board has reviewed the application and, acting by Resolution No. 6, Series 2020, has approved the same and authorized the Police Judge and Town Clerk to execute this Encroachment License Agreement as being in compliance with requirements of Georgetown Municipal Code section 12.32.020.

NOW THEREFORE, for and in consideration of the foregoing premises and of the mutual promises and conditions hereinafter contained, it is hereby agreed as follows:

1. Encroachment Permitted. Licensee is hereby authorized to encroach upon Town right-of-way at 1108 Main Street, by the construction of a white wooden picket fence not to exceed 3 feet in height, of a design substantially the same as that attached as **Exhibit 1**, and in the location as depicted on the site plan, attached as **Exhibit 2**.

2. Limitations and Restrictions. The encroachment permitted hereby shall be constructed at the sole cost of Babeon and shall be continuously maintained in good condition. Licensee hereby agrees to indemnify and hold the Town of Georgetown harmless from and against any claim of injury or damage to persons or property occasioned as result of the erection and maintenance of the fence encroachment permitted hereby.

3. Agreement Term; Revocation the land. The term of this encroachment license shall be perpetual and shall run with the land and shall bind the successors in interest of the parties. The license shall be recorded, along with the resolution approving the same, in the real property records for Clear Creek County, Colorado, at the expense of Babeon. Pursuant to Georgetown Municipal Code section 12.32.020, the Town reserves the right to revoke this license at any time for public convenience.

EXECUTED BY THE PARTIES as of the day and year first set forth above.

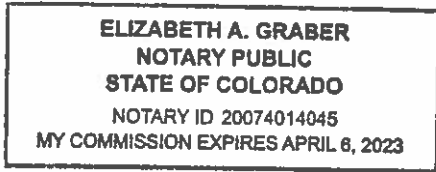
LICENSEE

[Signature]
Daniel Babeon

State of Colorado)
)ss.
County of Clear Creek)

Subscribed and sworn to before me by Daniel Babeon, Licensee, on this ___ day of June 2020.

seal



[Signature]
Notary

My commission expires: 4-6-2023

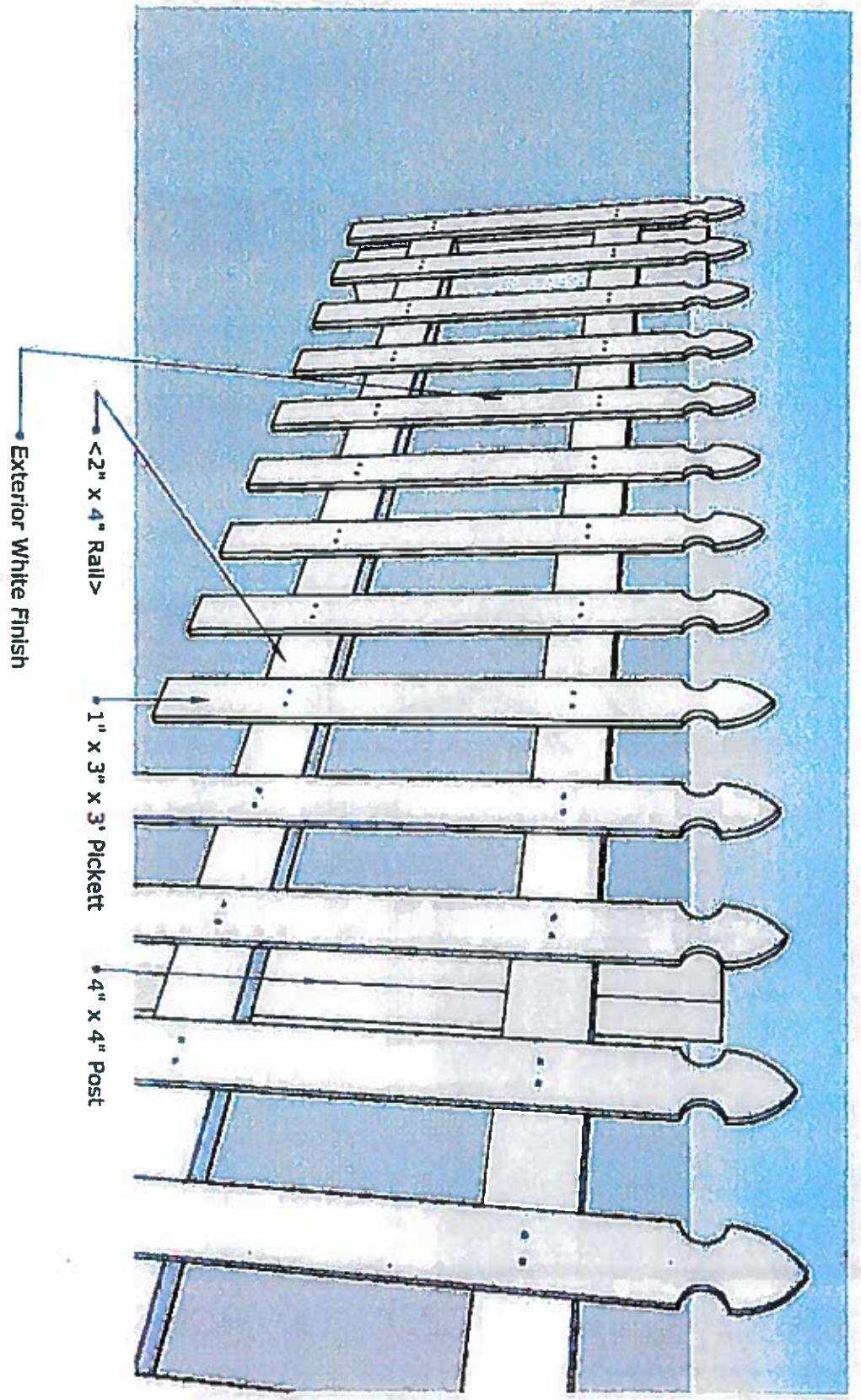
TOWN OF GEORGETOWN

By: [Signature]
Lynette Kelsey, Police Judge

ATTEST:

[Signature]
Jennifer Yobski, Town Clerk





Exterior White Finish

<2" x 4" Rail>

1" x 3" x 3" Pickett

4" x 4" Post

1108 Main Street Lot No. 8 Block 54
 Proposed Fence.
 Measurement Referenced from 1991 Survey
 and Easement site plan on file at Town of Georgetown
 Scale 1/16" = 1'

- Property lines
- Proposed Fence
- Existing fence
- Tree
- Rock Wall

