

**CITY OF CORTEZ
CITY COUNCIL
RESOLUTION NO. 25, SERIES 2022**

A Resolution Recommending Approval of an Encroachment Permit for 102 E. North St. to encroach a total of .6' into Beech St. Right of Way

WHEREAS, owner/applicant Patricia Berens has applied for an Encroachment Permit for the property located at 102 E. North St, Cortez, Colorado and more particularly described as:

The west 45 feet of Lots 15, 16, 17 and 18, Block 18 The Town of Cortez and Chamberlin's Addition to the City of Cortez, according to the plat thereof filed for record August 20, 1890, in Book 3 at Page 36., County of Montezuma, State of Colorado.

WHEREAS, the Owner/applicant has applied to the City for review of an encroachment permit for an existing structure that encroaches into the Beech Street Right of Way; and,

WHEREAS, the Owner/applicant presented a survey and necessary submittal items for review by the City Planning and Zoning Commission at a regular meeting held on September 6, 2022; and,

WHEREAS, Land Use Code Section 6.26, Encroachment Permits, indicates that the owner or developer of the property may request an encroachment permit for inadvertent encroachment by an existing building that was constructed prior to city regulations for setback requirements or inspections or unknowingly constructed so as the encroach into a public right-of-way; and,

WHEREAS, the Planning and Zoning Commission reviewed the request and is recommending approval of the encroachment permit, as evidenced in the adoption of P&Z Resolution No. 10, Series 2022; and,

WHEREAS, the Owner/applicant has held legal ownership of the property subsequent to the adoption of said P&Z Resolution No. 10, Series 2022; and,

WHEREAS, it appears that all requirements of Section 6.26 of the City's Land Use Code for issuance of the encroachment permit have been met.

NOW, THEREFORE, BE IT RESOLVED BY THE CORTEZ CITY COUNCIL, Resolution No 25, Series 2022:

THAT, the requested .6 foot encroachment permit for said property is hereby recommended to Council for approval.

MOVED, SECONDED, AND ADOPTED THIS 13th DAY OF SEPTEMBER, 2022



Rachel B. Medina, Mayor

ATTEST:



Linda L. Smith, City Clerk