

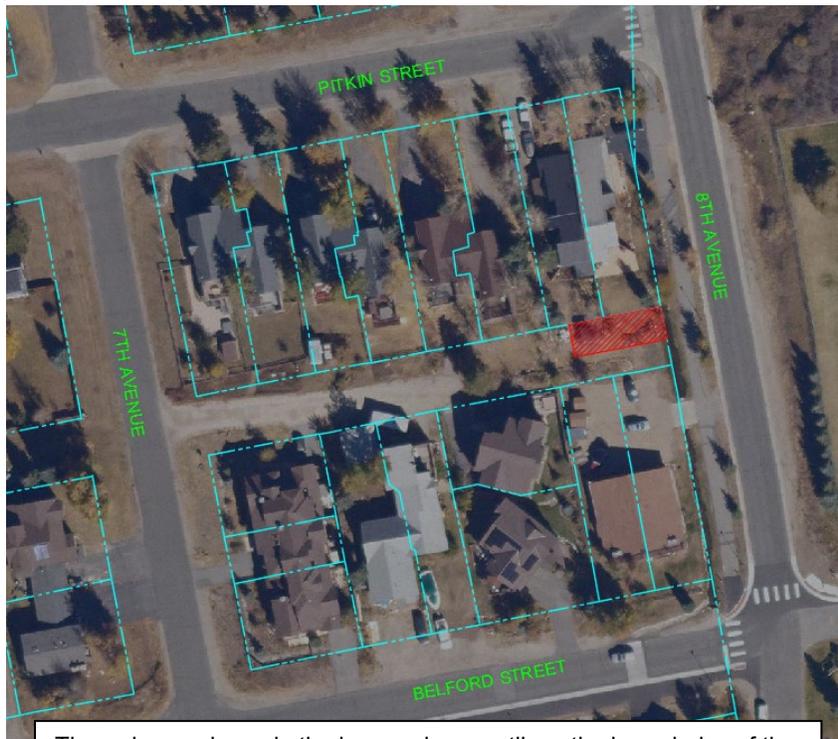


MEMORANDUM

P.O. Box 4100 ♦ FRISCO, COLORADO 80443

TO: MAYOR AND TOWN COUNCIL
FROM: CHRIS MCGINNIS, PUBLIC WORKS DIRECTOR/TOWN ENGINEER
RE: RESOLUTION 24-15: REVOCABLE LICENSE AGREEMENT FOR 792B PITKIN STREET
DATE: MARCH 26, 2024

Summary and Background: The Public Works Department, in collaboration with the Community Development Department, have been working to enforce code compliance in Town rights-of-way. The Belford Alley Right-of-Way (see image below for location) currently contains two private sheds and landscaping owned by 792A and 792B Pitkin Street, which have not been permitted. The sheds and landscaping were constructed several decades ago by previous owners of 792A and 792B. This section of the right-of-way is currently unimproved, not used by the Town, and there are no plans at this time to use or improve this section of right-of-way. Initially, Town Staff discussed requiring the removal of the sheds from the right-of-way, but after additional analysis, a revocable license agreement was recommended. The Town executes revocable license agreements to allow private use of Town rights-of-ways, while also protecting the Town's rights and ability to remove encroachments and utilize rights-of-ways in the future.



The red area shown in the image above outlines the boundaries of the private sheds and landscaping encroachment into the right-of-way

Analysis: The current encroachments (sheds and landscaping) are not impacting Town operations or current use of the right-of-way. Although the Town would not permit new construction of sheds in Town rights-of-way, these two sheds are existing, not on foundations, and were constructed several decades ago by previous owners. Due to these specific conditions, Town Staff believes that a revocable license agreement (RLA) should be executed instead of requiring removal of the encroachments. The RLA will require the owners to remove materials and equipment currently located outside the shed, require all maintenance of the landscaping and shed to be the responsibility of the owners, release the Town of any liability if the encroachments are damaged, and allow the encroachments to be removed in the future if desired by the Town. Execution of RLAs for these properties are specific to these sites and conditions listed above, and would not establish a precedent for approving further encroachments by these properties, or any other properties, into Town right-of-way

Financial Impact: There is no financial impact to the Town.

Alignment with Strategic Plan: These resolutions support the Core Services and Community Inclusivity goals of the Strategic Plan. The RLAs protect the Town's ability for future improvement of the right-of-way in order to provide additional core services to residents if required, while also continuing to allow use of the current improvements by those community residents.

Staff Recommendation: Staff recommends that Council adopt Resolution 24-14 and 24-15 and authorize the Mayor to sign the attached Revocable License Agreements for 792A Pitkin Street and 792B Pitkin Street

Reviews and Approvals: This report has been reviewed and approved by:

Tom Fisher, Town Manager
Diane McBride, Assistant Town Manager
Leslie Edwards, Finance Director

Attachments:

Attachment 1 – Resolution 24-15

Attachment 2 – Revocable License Agreement – 792B Pitkin Street