



## Legislation Details (With Text)

<b>File #:</b>	Res. 2018-30R	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Action Item	<b>Status:</b>		Individual Consideration	
<b>File created:</b>	2/12/2018	<b>In control:</b>		City Council	
<b>On agenda:</b>	3/6/2018	<b>Final action:</b>			
<b>Title:</b>	Consider approval of Resolution 2018-30R, approving a license to encroach agreement with Ricardo Garza Hinojosa to allow certain driveway access and trash and recycling receptacle enclosure improvements to encroach within the right-of-way at 1654 Post Road; authorizing the City Manager to execute the license agreement on behalf of the City; and declaring an effective date.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Resolution, 2. License, 3. LA-18-01 Aerial.pdf, 4. LA-18-01 2008 Plat Exhibit, 5. LA-18-01 ROW Exhibit, 6. LA-18-01 Site Plan Encroachment, 7. LA-18-01 Dumpster Enclosure, 8. LA-18-01 License to Encroach Application, 9. LA-18-01 Authorization to Represent the Property Owner, 10. LA-18-01 Acknowledgement to the Placement of Notification Signs, 11. LA-18-01 Presentation.pdf				

Date	Ver.	Action By	Action	Result
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### **AGENDA CAPTION:**

Consider approval of Resolution 2018-30R, approving a license to encroach agreement with Ricardo Garza Hinojosa to allow certain driveway access and trash and recycling receptacle enclosure improvements to encroach within the right-of-way at 1654 Post Road; authorizing the City Manager to execute the license agreement on behalf of the City; and declaring an effective date.

**Meeting date:** 3/6/2018

**Department:** Planning and Development Services

### **Amount & Source of Funding**

**Funds Required:** NA

**Account Number:** NA

**Funds Available:** NA

**Account Name:** NA

### **Fiscal Note:**

**Prior Council Action:** NA

**City Council Goal:** [Please select goal from dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☒ Not Applicable

**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

**Background Information:**

The applicant is requesting a License Agreement in order to continue to utilize City Right-of-Way (ROW) as a driveway and as the location of a trash and recycling enclosure. In 2008, a plat was recorded with erroneous information due to a statutory deadline. The plat stated that a 30 feet wide and 100 feet long strip of ROW was to be abandoned by the plat. The ROW abandonment can only be approved by City Council, and cannot be legally abandoned by plat.

In 2013, plans for the Green Spring Apartment complex were approved based on the 2008 plat. The area where the ROW is located was approved to be a driveway and to be the location of the trash and recycling enclosure. In 2017, after the completion of phase 1 of the apartment complex was finished, the previous plat error was discovered, resulting in the request for a License Agreement.

Staff has reviewed the application and confirmed that there are no underground utilities located within the Right-of-Way, and that there are no issues with a license agreement for the use and maintenance of the Right-of-Way.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff recommends approval of the License Agreement as submitted.