



Legislation Text

File #: Res. 2018-30R, **Version:** 1

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.