



Legislation Text

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**File #:** 17-1101, **Version:** 1

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**City Council Meeting Date:** November 14, 2017

**To:** Mayor and City Council  
City Administrator

**From:** Scott Tempel, City Planner

Consideration of License Agreement (Deck Encroachment) for 1417 Blue Flag Court

**Action Requested:**

The Northfield City Council considers a motion to approving the attached License Agreement (Deck Encroachment) allowing a private encroachment on a City-owned easement for the construction of a deck at 1417 Blue Flag Court.

**Summary Report:**

The applicant has applied for a building permit to construct a deck on the side of a townhome. The deck would encroach on the townhome association common area. The applicant received approval from the townhome association to construct the deck. However, the entire common area Outlot was designated as a drainage and utility easement dedicated to the City.

When this property was originally platted in 1987, it was common practice to dedicate an entire Outlot as a utility easement. According to City Attorney Chris Hood, the practice of defining an easement as an entire outlot is no longer considered a legally supportable approach. The City Attorney advised that the City should consider vacating the blanket easement and replacing it with the precise easement needed at some point in the future. In this case, however, Attorney Hood recommends granting the License Agreement.

Public Works Director/City Engineer David Bennett has confirmed there are no public utilities in the area of the proposed License Agreement and has agreed to allow the encroachment. A License Agreement drafted by the City Attorney and signed by the applicant is attached for your consideration.

**Alternative Options:**

The City of Northfield could vacate the easement and replace it with a precise drainage and utility easement. This process would require additional legal and survey work and include multiple Ordinances. In addition, the Ordinance approval process requires two readings at separate City Council meetings. This option is not recommended at this time.

**Financial Impacts:**

There are no direct costs to the City associated with the proposed License Agreement.

