



Legislation Text

File #: 19-1037, **Version:** 1

City Council Meeting Date: August 20, 2019

To: Mayor and City Council
City Administrator

From: Scott Tempel, City Planner

Consideration of License Agreement (Deck Encroachment) for 1408 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 1408 Blue Flag Court. Staff recommends approval of the agreement.

Summary Report:

The applicant, Tim Cowles, 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 is designated as a drainage and utility easement dedicated to the City. The City received and approved an identical request from a neighbor in the same development in 2017.

When this property was originally platted in 1987, it was common practice to dedicate a blanket easement over an entire Outlot. Current practice is to define specific locations for easements. In 2017, the City Attorney advised the City consider vacating the blanket easement and replacing it with the precise easement at some point in the future. To accommodate a pending project, however, the alternative of granting a License Agreement for the encroachment was recommended. Since the City has taken no action to eliminate the blanket easement, staff is recommending approving a License Agreement for a current project that would encroach into the easement.

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 as it would delay the time for applicant to be able to start the project. Staff is separately exploring vacating easement after this approval.

Financial Impacts:

There are no direct costs to the City associated with the proposed License Agreement apart from standard legal review.

Timeline:

The applicant has submitted for a building permit for the deck. The permit is in process pending approval of the License Agreement.