



Legislation Text

File #: 19-1133, **Version:** 1

City Council Meeting Date: October 15, 2019

To: Mayor and City Council
City Administrator

From: David E. Bennett, Public Works Director/City Engineer

Consideration of License Agreement (Deck Encroachment) for 1413 Blue Flag Court.

Action Requested:

The Northfield City Council considers a Motion approving the attached License Agreement (Deck Encroachment) allowing a private encroachment on a City-owned easement for the construction of a deck at 1413 Blue Flag Court. Staff recommends approval of the agreement.

Summary Report:

The applicant, Dale Talley, will be applying for a building permit to construct a deck on the rear of her 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 and August 20, 2019.

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. However, vacating the blanket easement is not as easy as just vacating the Outlot that has the blanket easement. The City needs have drainage utility easements in certain areas of the Outlot where utilities and ponding exist. If that were pursued there would be significant surveying costs whereas this option has minimal cost for legal review.

Therefore, staff is recommending the license agreement as a path forward for this property owner. Public Works has confirmed there are no public utilities in the area of the proposed License Agreement and is in support of 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. If a private party such as the association is interested in paying for the vacation and new easement that could be an alternative future option.

Financial Impacts:

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

Timeline:

Once approved, the applicant will submit a building permit for the deck.