



Legislation Text

File #: 21-692, **Version:** 1

City Council Meeting Date: December 7, 2021

To: Mayor and City Council
City Administrator

From: Sean M. Simonson, Engineering Manager

Consideration of License Agreement (Porch Encroachment) for 1311 Blue Phlox 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 porch at 1311 Blue Phlox Court. Staff recommends approval of the agreement.

Summary Report:

The applicants, Stephen C. Silcox and Nancy V. Silcox, will be applying for a building permit to construct a porch on the side of their townhome. The porch 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.

When this property was originally platted in 1997, 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 to consider vacating the blanket easements and replacing them with the precise easements at some point in the future. However, vacating blanket easements 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 porch.