

Legislation Details (With Text)

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| File #: | 19-225 | Name: | |
| Type: | Report | Status: | Individual Item Ready |
| File created: | 3/13/2019 | In control: | City Council |
| On agenda: | 3/25/2019 | Final action: | |
| Title: | Discuss and consider approval to authorize the City Manager to enter into a license agreement between the City of New Braunfels and LGI Homes of Texas, LLC for encroachments in the public right-of-way near the intersection of Solms Road and Morningside Drive. | | |
| Sponsors: | | | |
| Indexes: | | | |
| Code sections: | | | |
| Attachments: | 1. LGI License Application, 2. License Agreement Exhibit #2 | | |

| Date | Ver. | Action By | Action | Result |
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| 3/25/2019 | 1 | City Council | | |

Presenter/Contact
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SUBJECT:

Discuss and consider approval to authorize the City Manager to enter into a license agreement between the City of New Braunfels and LGI Homes of Texas, LLC for encroachments in the public right-of-way near the intersection of Solms Road and Morningside Drive.

BACKGROUND / RATIONALE:

City of New Braunfels Code of Ordinances Section 114-7 establishes the regulations for improvements on or under public property and public easements within the public right-of-way. The City may grant a license and permission to occupy public property and shall be evidenced by a license agreement executed by the City and the licensee.

LGI Homes of Texas, LLC is currently in the construction phase of the Morningside Trails Subdivision, Unit 1. As part of the sewer installation, groundwater was discovered that would need to be removed from the property. In order to remove the groundwater from the property, LGI Homes of Texas, LLC was required to install and maintain an underground french drain and a 15-foot private drainage easement.

Pape-Dawson Engineers, as Agent for LGI Homes of Texas, LLC made an application with the City Engineer on January 15, 2019 for an encroachment in the public right-of-way near the intersection of Solms Road and Morningside Drive. The proposed encroachment includes a 6" diameter underground french drain which spans approximately 517 feet within public right-of-way of Morningside Drive and Solms Road.

Section 114-7(e) specifies that the licensee shall pay an annual fee of five percent of the value of the

area to be licensed for underground licensing and that the minimum annual fee for such licenses shall be \$100. Based on the value and size of the area proposed for sidewalk café use, the proposed annual fee for the agreement would be the minimum of \$100.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

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FISCAL IMPACT:

The recommended license fee to be collected on an annual basis is \$100.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the authorization for the City Manager to enter into a license agreement between the City of New Braunfels and LGI Homes of Texas, LLC for encroachments in the public right-of-way near the intersection of Solms Road and Morningside Drive with an annual fee of \$100.