

Legislation Text

File #: 18-417, **Version:** 2

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 Springfed Investments, LLC for encroachments in the public right-of-way at 290 South Castell Avenue.

BACKGROUND / RATIONALE:

City of New Braunfels Code of Ordinances Section 114-7 establishes the regulations for improvements on public property, public easements and 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.

Stephen Hanz, HMT Engineering & Surveying (HMT), made an application with the city engineer for encroachments in the public right-of-way at 290 South Castell Avenue. The encroachments include Americans with Disabilities Act (ADA) ramps, concrete steps and planters to service a building, and street trees and planter boxes adjacent West Coll Street.

Section 114-7(e) specifies that the licensee shall pay an annual fee of ten percent of the value of the area to be licensed for surface licensing and that the minimum annual fee for such licenses shall be \$100. Based on the value and size of the area for access to the building, the proposed annual fee for the agreement is \$350.

The applicant requested consideration to appeal to City Ordinance Sec.114-7(k) stating, "Unusual cases may arise which will call for exceptional handling by the city council within the general framework of this section, such as encroachments which may be deemed by the city to be an added benefit to the city properties rather than a burden." The applicant states that the encroachment "will not create more revenue or area of sale for the owner but will beautify the look of the Right of Way and benefit the City regarding future plans."

The proposed encroachments in the public right-of-way are primarily to provide ADA access to the building. There are alternate methods to provide ADA access to the building on the property and the encroachment limits the sidewalk width on South Castell Avenue to less than five feet as shown on the plans prepared by HMT. The standard width for commercial properties and clear path of travel requirement for sidewalk cafes in the downtown is six feet; however, the width of the sidewalk may be reduced to a minimum of four feet. Additionally, sidewalk improvements adjacent to the property are limited to driveway removal and curb ramps at the South Castell Avenue and West Coll Street intersection. The sidewalks adjacent to the site exceed the maximum cross slope and not ADA compliant as shown on plans prepared by HMT. The proposed encroachments are not an added

benefit to the city public right-of-way, do not address needed ADA improvements adjacent to the property, and limit the sidewalk width along South Castell Avenue. Staff recommends an annual fee of \$350.

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

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority:	Growth and Development - Ensure sustainable quality development
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FISCAL IMPACT:

The recommended license fees to be collected on an annual basis are \$350.00 from Springfed Investments, LLC.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the authorizing the City Manager to enter into a license agreement between the City of New Braunfels and Springfed Investments, LLC for encroachments in the public right-of-way at 290 South Castell Avenue with an annual fee of \$350 and all proposed improvements in the public right-of-way meet ADA requirements.