

Legislation Text

File #: 18-509, **Version:** 1

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:

This item was postponed from the August 27 City Council meeting.

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 proposed encroachments in the public right-of-way are intended to provide ADA access to the building. There are alternate methods to provide ADA access to the building on the property. The encroachment will reduce the sidewalk width on South Castell Avenue 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. Staff recommends an annual fee of \$350.

Since their original application was submitted, the applicant has agreed to modify the types of trees to be installed to comply with City Ordinance and replace the all of sidewalks in Public Right of Way

that are adjacent to their building. These sidewalks are not currently ADA compliant, but the applicant is proposing to correct that with their construction. Since this an improvement in the public right-of-way, Council may consider waiver of the annual fee for the license agreement under Sec. 114-7(k).

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 pending approval of the construction documents by City staff and conformance to City Ordinances with an annual fee of \$350 or waiver of the annual fee, based on direction from Council.