

## AGENDA



Thursday, February 28, 2008

**Public Works****Item No. 29****RECOMMENDATION FOR COUNCIL ACTION**

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**Subject:** Approve an ordinance amending Section 14-11-46 of the City Code to extend insurance and fee waivers for subterranean tunnels to include water and storm water conveyance facilities. The waivers apply to the Waller Creek Tunnel project and to future tunnel projects.

**Fiscal Note:** There is no unanticipated fiscal impact. A fiscal note is not required.

**For More Information:** Lauraine Rizer 974-7078, Robin Field 974-7064

**Prior Council Action:** 841220-JJ - 12/20/84 - amended application fees; 910110-J - 1/10/91 - annual fee subject to change after 2 year period; 970917-C - 9/17/97 - amended application fees; 030612-93 - 6/12/03 - amended ordinance 15-12 & 25-2

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Under existing Code provisions, the city manager may waive the annual fee requirement and the insurance and termination provisions required in the license agreement for a subterranean tunnel that conveys wastewater. The tunnels are at a sufficient depth (20 feet or more) to make the requirements, particularly the insurance requirement and annual fee of the license agreement, an unnecessary burden to landowners. The existing requisites also hinder the City's ability to acquire subterranean tunnel easements by significantly increasing the associated costs.

The proposed amendment to Section 14-11-46 of the City Code extends the definition of subterranean tunnel to include water and storm water conveyance facilities. This will allow the City to acquire subterranean tunnel easements for water and stormwater conveyance facilities at a reduced cost and without needlessly encumbering the landowner's surface rights.

It is anticipated that this amendment will provide flexibility for the Waller Creek Tunnel project and others.