

Council Member Morrison
Motion Sheet for Item 21
August 8, 2013

Late Backup

Amend the draft ordinance as follows:

- Amend Section 14-11-51 (A) as follows:

§ 14-11-51 APPLICATION AND APPROVAL.

(A) After receiving an application and an application fee for the encroachment by a permanent private structure in a public right-of-way, the director shall review the application and, ~~if it meets the requirements of this division,~~ submit the proposed encroachment agreement to the council for its consideration if the director determines that:

- (1) the applicant complies with the requirements of this division; and
- (2) the encroachment does not interfere with the City's present or future use of the public right-of-way.

- Amend Section 14-11-52 as follows:

§ 14-11-52 APPRAISAL OF PROPERTY.

- (A) After an application ~~to permanently encroach a public right-of-way is approved, for a permanent encroachment in the public right-of-way is received,~~ the director shall establish the appraised value of the affected right-of-way.
- (B) The director ~~may~~ shall use an appraisal prepared by ~~the director or~~ an independent appraiser engaged by the city.
- (C) To enter into an encroachment agreement, the applicant must submit to the city ~~manager~~ an amount equal to the appraised value of the affected right-of-way.

- Amend Section 14-11-53 (Contents of Encroachment Agreement), Subsection (2) as follows:

- (2) a provision allowing termination for abandonment or change in use providing that the right-of-way shall automatically revert to the

City if the use permitted under the encroachment agreement terminates or is abandoned.

- Add a new Section 14-11-53 (6) (Contents of Encroachment Agreement) to read as follows:
 - (6) a provision providing that the agreement runs as a covenant on the land adjoining the property on which the encroachment exists as long as the improvement exists.
- Add a new Section 14-11-53 (7) (Contents of Encroachment Agreement) to read as follows:
 - (7) a provision that the agreement may not be assigned or transferred without prior written consent of the property manager.
- Amend and renumber Section 14-11-53 (Contents of Encroachment Agreement), Subsection (6) as follows:
 - (8) other provisions that the council or city manager determines are necessary.