

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

Amend the draft ordinance as follows:

- Amend Section 14-11-51 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~~ Planning Commission for review and recommendation.
- ~~(B)~~ After receiving a Planning Commission recommendation, the director shall submit the application to council for its consideration.
- ~~(B)~~ (C) An encroachment agreement authorizes use of public right-of-way as long as the use permitted under the agreement continues. If the permitted use terminates or is abandoned, the use of the right-of-way automatically reverts to the city.
- ~~(C)~~ (D) Council must approve an encroachment agreement.

- 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, the director shall establish the appraised value of the affected right-of-way.
- (B) The director may 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.
- (D) The director shall include the appraised value in the materials submitted for Planning Commission and Council consideration.