



Recommendation for Action

File #: 20-9876, **Agenda Item #:** 17.

5/21/2020

Posting Language

Approve termination of an encroachment agreement between the City and Carlyle Lippincott 1998 Heritage Trust, Mary Lippincott 1998 Heritage Trust, and Lippincott Capital Ltd. for the aerial encroachment of right-of-way by balconies and canopies at the intersection of West Elizabeth Street and Eva Street, located at 110 West Elizabeth Street, and approving the refund of a portion of the fee paid for the encroachment in an amount not to exceed \$64,791.06.

Lead Department

Office of Real Estate Services.

Fiscal Note

This item has no fiscal impact.

Prior Council Action:

Prior Council action - August 17, 2017 - council approved resolution No. 20170803-022, which authorized the negotiation and execution of an encroachment agreement with Carlyle Lippincott 1998 Heritage Trust, Mary Lippincott 1998 Heritage Trust, and Lippincott Capital Ltd. with additional conditions on Mayor Pro Tem Tovo's motion, Council Member Pool's second on an 11-0 vote.

For More Information:

Mashell Smith, Office of Real Estate Services, (512) 974-7079; Alex Gale, Office of Real Estate Services, (512) 974-1416; Megan Herron, Office of Real Estate Services, (512) 974-5649.

Council Committee, Boards and Commission Action:

Memorandum to file dated June 6, 2017 from Richard Mendoza, Director, Department of Public Works, no Commissions required.

Additional Backup Information:

A request was received and approved by Council on August 3, 2017 for aerial encroachments of the West Elizabeth Street and Eva Street right-of-way. The aerial encroachments were approximately 1,330 and 1,044 square feet and consisted of balconies and canopies.

The total appraised value for the encroachments was \$67,141. The applicant paid the appraised value prior to the execution of the encroachment agreement. In addition, the applicant reimbursed the City for the cost of the appraisal and the cost of the notice requirements sent by certified mail, return receipt requested, to registered neighborhood associations whose boundaries include the area of proposed encroachment.

The development plan changed for the property and an encroachment agreement is no longer needed. Carlyle Lippincott 1998 Heritage Trust, Mary Lippincott 1998 Heritage Trust and Lippincott Capital Ltd. desire to terminate the encroachment agreement and are seeking a refund in the amount of \$64,791.

Strategic Outcome(s):

Government that Works for All.