



MAYOR & COUNCIL COMMUNICATION

DATE: July 7, 2015
CONSENT
ITEM # 10

AGENDA ITEM: Ownership & Maintenance Agreement – 11732 58th Street N

SUBMITTED BY: Joan Ziertman, Planning Program Assistant

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Rick Chase, Building Official
Adam Bell, City Clerk

SUGGESTED ORDER OF BUSINESS(if removed from consent agenda):

- Introduction of ItemStaff
- Report/Presentation.....Staff
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: Staff recommends that the City Council approve the Ownership & Maintenance agreement for Andrew & Autumn Schinka at 11732 58th Street N as part of tonight's consent agenda.

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to authorize as part of tonight's consent agenda, the execution of an Ownership & Maintenance agreement. The City has received a request to install a Private Drain Tile System within a drainage and utility easement area at 11732 58th Street from Andrew & Autumn Schinka. Approval of the requested improvement within the City's drainage and utility easements, along with the Ownership and Maintenance agreement would allow the property owners to construct the requested improvement within the City's drainage and utility easements located on their private property.

Staff is recommending that the City Council approve the Ownership and Maintenance agreement as part of the Consent Agenda. If the City Council removes the item from the Consent Agenda, the recommended action can be completed through the following motion:

“Move to approve the Ownership & Maintenance agreement for Andrew & Autumn Schinka, 11732 58th Street N to install a Private Drain Tile System within the City’s drainage and utility easement.”

LEGISLATIVE HISTORY: The City holds easements of different sizes and for different purposes on many residential and commercial properties throughout the City. When a resident is interested in putting a structure within an easement, the city has requested the property owner provide a site plan showing where the improvement is proposed to be located, a detail of what the improvement will look like and how it will function. After that information is received, staff reviews the proposed improvement and the use of the easement to determine if the proposed improvement will impede the functionality of the easement. If staff determines that the improvement will not negatively impact the functionality of the easement, approval will be given and an Ownership and Maintenance Agreement is needed before the work may commence.

The Ownership and Maintenance Agreement that has been submitted for Council consideration is for a Private Drain Tile System and has been reviewed by planning & Engineering staff. The proposed Private Drain Tile System meets all city code requirements and Staff would have otherwise authorized construction of the Private Drain Tile System if it did not encroach into a drainage and utility easement.

BACKGROUND INFORMATION (SWOT):

Strengths: The Ownership and Maintenance agreement is a legal document that has been signed by all property owners seeking to install improvements within an easement. The document, among other things, indemnifies the city from responsibility if damage occurs to the improvement or if it needs to be removed at some point in the future.

Weaknesses: None

Opportunities: None

Threats: None

RECOMMENDATION:

Based on the aforementioned, Staff is recommending that the City Council approve the easement encroachment agreement as part of the Consent Agenda. If the City Council removes the item from the Consent Agenda, the recommended action can be completed through the following motion:

“Move to approve the Ownership & Maintenance agreement for Andrew & Autumn Schinka to install a Private Drain Tile System within the City’s drainage and utility easement.”