

## Legislation Text

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**File #:** ID 20-0283, **Version:** 1

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Discussion and Possible Action to Authorize Encroachment Easement for 420 Main Avenue into the Public Right-of-Way.

### **Summary:**

Approval of an Encroachment Easement to build into the public right-of-way at 420 Main Ave.

### **Background:**

The City Engineering Department received a request to construct two doorways at 420 Main Avenue such that the doors swing into the public right-of-way on Main Avenue. The request involves a north double door and a south single door.

The property owner applied for and obtained a building permit for a remodeling project that included door installation. The site plan approved by the Engineering Department showed that the previous alcove for the north double doors would be replaced and the alcove would remain so the new doors would not swing into the right-of-way. The site plan for the south door showed the new door swinging into the right-of-way; however, staff did not receive shop drawings on the doors or windows to determine the size of the encroachment.

The property owner supplied the attached information:

- Description of reasons for encroachment
- Red-line drawings showing the encroachment locations
- Survey drawing with encroachment dimensions
- Insurance Certificate

Engineering staff reviewed the submitted information. Staff is recommending the following:

- The north double doors previously had an alcove which was shown to remain in the approved building plans. Staff recommends the doors should be constructed as an alcove as approved by the Engineering Department on the building permit. The alcove would prevent the doors from swinging into the right-of-way.
- The south door previously encroached approximately 21 inches into the right of way, and the new door was constructed with a flush-mount hinge system, which creates a 2.9-foot encroachment when the door is fully open.
  - The criteria in Resolution 20-017 (1) states "*The applicant shall explore other alternatives that might remove the need for the use of public property*". After the doorway was constructed, the City received the exhibit from Civil Design Inc. which showed the 2.9' encroachment. It is City staff's opinion that other alternatives were not

explored, such as constructing an alcove. Another alternative would be to swing the door inward. The City would allow the door to swing inward since the design inside the building has changed where the occupancy could be limited to 49 people and a sign would need to be posted.

**Recommendation:**

Staff is recommending the following motion: "Motion to remove the encroachment into the public right-of-way for both the north and the south door at 420 Main Avenue."

**Attachments:**

Memo  
Resolution 20-017  
Ordinance 74-32  
Application  
Pictures