

## Legislation Details (With Text)

<b>File #:</b>	BILL NO. 20-236	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	10/20/2020	<b>In control:</b>	City Council - Regular Session
<b>On agenda:</b>	12/15/2020	<b>Final action:</b>	12/15/2020
<b>Title:</b>	An Ordinance authorizing the execution of a License Agreement by and between the City of Lee's Summit, Missouri, and LW Properties LLC, to allow an encroachment in a utility easement located at a property commonly known as 1002 NE Banner Street. (PWC 12/7/20)		
<b>Sponsors:</b>	Development Services, Water Utilities, Public Works Admin & Engineering		
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Ordinance, 2. Agreement, 3. Banner Diagram, 4. Banner Aerial		

Date	Ver.	Action By	Action	Result
12/15/2020	1	City Council - Regular Session	for second reading	Pass
12/15/2020	1	City Council - Regular Session	adopted and numbered	Pass
12/7/2020	1	Public Works Committee	approved	Pass

An Ordinance authorizing the execution of a License Agreement by and between the City of Lee's Summit, Missouri, and LW Properties LLC, to allow an encroachment in a utility easement located at a property commonly known as 1002 NE Banner Street. (PWC 12/7/20)

### Issue/Request:

An Ordinance authorizing the execution of a License Agreement by and between the City of Lee's Summit, Missouri, and LW Properties LLC, to allow an encroachment in a utility easement located at a property commonly known as 1002 NE Banner Street.

### Key Issues:

- The owner of the property commonly known as 1002 NE Banner Street, LW Properties LLC (hereinafter "Requesting Party"), is requesting a building permit to refurbish an existing 100 sq. ft. uncovered deck (hereinafter "Improvement").
- The location of the Improvement is within a platted 20-foot utility easement and is considered a non-allowed encroachment.
- A License Agreement between the Requesting Parting and the City is required according to the City's Encroachment Policy, as adopted under Resolution No. 20-06, for this non-allowed encroachment.
- The Requesting Party and City both desire to enter into a License Agreement to bring the Improvement into compliance with the City's Encroachment Policy.

Proposed City Council Motion:

FIRST MOTION: I move for a second reading of an Ordinance authorizing the execution of a License Agreement by and between the City of Lee's Summit, Missouri, and LW Properties LLC, to allow an encroachment in a utility easement located at a property commonly known as 1002 NE Banner Street.

SECOND MOTION: I move for adoption of an Ordinance authorizing the execution of a License Agreement by and between the City of Lee's Summit, Missouri, and LW Properties LLC, to allow an encroachment in a utility easement located at a property commonly known as 1002 NE Banner Street.

Background:

The property owner of 1002 Banner Street has requested a building permit to refurbish (maintain) an existing uncovered deck. Upon review by City staff, it was determined that the deck was not part of the approved design and construction of the duplex in 2005-2006. The current location of the deck is within the City's platted 20-foot utility easement, near a 12-inch sanitary sewer installed in 1985. According to the City's Encroachment Policy, a deck is considered a non-allowed use and requires Director approval of those department(s) impacted, as well as a license agreement to be entered into by the Requesting Party and the City.

The Water Utilities Department has confirmed their allowance of this encroachment.

Both the property owner and City desire to enter into a License Agreement in order to process a building permit for the maintenance of the existing deck.

Impact/Analysis:

Based on a visual inspection of where the existing deck is located in relation to the existing sanitary sewer, the Water Utilities Department is willing to allow the encroachment to remain, provided that a License Agreement is executed between the City and the property owner.

George Binger, Deputy Director of Public Works/City Engineer

Recommendation:

Staff recommends approval.

The Public Works Committee voted unanimously 3-0 (Councilmember Carlyle "Absent"), to recommend to City Council approval of an Ordinance authorizing the execution of a License Agreement by and between the City of Lee's Summit, Missouri, and LW Properties LLC, to allow an encroachment in a utility easement located at a property commonly known as 1002 NE Banner Street.

