

Legislation Text

File #: BILL NO. 20-238, **Version:** 1

An Ordinance authorizing the execution of a License Agreement by and between the City of Lee's Summit, Missouri, and John K. & Doris K. Weilert, to allow an encroachment in a sanitary easement located at a property commonly known as 109 NW Teakwood 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 John K. & Doris K. Weilert, to allow an encroachment in a sanitary easement located at a property commonly known as 109 NW Teakwood Street.

Key Issues:

- The owners of the property commonly known as 109 NW Teakwood Street, John K. & Doris K. Weilert (hereinafter "Requesting Party"), are requesting a building permit to demolish the existing partially covered deck and rebuild one to match the existing footprint (hereinafter "Improvement").
- The location of the Improvement is within a platted 15-foot utility easement and is considered a non-allowed encroachment.
- A License Agreement between the Requesting Party 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 John K. & Doris K. Weilert, to allow an encroachment in a sanitary easement located at a property commonly known as 109 NW Teakwood 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 John K. & Doris K. Weilert, to allow an encroachment in a sanitary easement located at a property commonly known as 109 NW Teakwood Street.

Background:

The property owner of 109 NW Teakwood Street has requested a building permit to demolish the existing

partially covered deck and build a new one that matches the existing footprint. The original construction of the existing deck in 2004 was not identified as an encroachment. Upon review by City staff of the requested building permit, the current location of the deck was determined to be within a platted 15-foot sanitary easement, near an 8-inch VCP sanitary sewer pipe, installed in 1972. 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 replacement 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 Ordinance authorizing the execution of a License Agreement by and between the City of Lee's Summit, Missouri, and John K. & Doris K. Weilert, to allow an encroachment in a sanitary easement located at a property commonly known as 109 NW Teakwood Street.

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 John K. & Doris K. Weilert, to allow an encroachment in a sanitary easement located at a property commonly known as 109 NW Teakwood Street.