

COUNCIL ACTION FORM

**SUBJECT: ENCROACHMENT PERMIT FOR SIDEWALK CAFÉ PATIO AT 502
BURNETT AVENUE (GREAT HARVEST BREAD CO.)**

BACKGROUND:

The property owner of 502 Burnett Avenue is seeking approval for an encroachment permit that would allow a sidewalk café patio in the right-of-way. The proposed patio will be located along the west façade of the building, between the sidewalk and the street, but not affect use of the sidewalk.

The applicant has proposed to remove the existing driveway, and replace with a new curb, grass, and the proposed sidewalk café patio. Applications have been submitted for a right-of-way permit and sidewalk café permit, and approval for both is contingent on the approval of the encroachment permit.

Chapter 22.3(3) of the Ames Municipal Code requires approval of the Encroachment Permit Application by the Ames City Council before the permit can be issued. By signing the agreement, the owner agrees to hold harmless the City of Ames against any loss or liability as a result of the encroachment, to submit a certificate of liability insurance which protects the City in case of an accident, and to pay the fee for the encroachment permit. The owner also understands that this approval may be revoked at any time by the City Council. The fee for this permit was calculated at \$380, and the full amount has been received by the City Clerk's Office along with the certificate of liability insurance.

ALTERNATIVES:

1. Approve the request.
2. Deny the request.

MANAGER'S RECOMMENDED ACTION:

It is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby granting the encroachment permit for the sidewalk café patio.



APPLICATION FOR ENCROACHMENT PERMIT

An Encroachment Permit approved by the Ames City Council is required for anything of a "fixed character" which is "upon, over or under" the surface of any "street, alley, or sidewalk."

Address of Encroachment: 502 BURNETT, AMES

Type of Encroachment: SIDEWALK CAFE PATIO
(If the encroachment is a sign, please apply for a sign permit through the Inspections Division.)

Total Square Feet of the Area to Encroach: (See attached submittal guidelines.)

Applicant is: [X] Property Owner / ARCHITECT [] Tenant [] Contractor

Name of Applicant: M. KIM SHARP Phone: 515-708-4856

Mailing Address: 1503 TOP-O-HOLLOW Email:

Property Owner's Name: SAME Phone: SAME

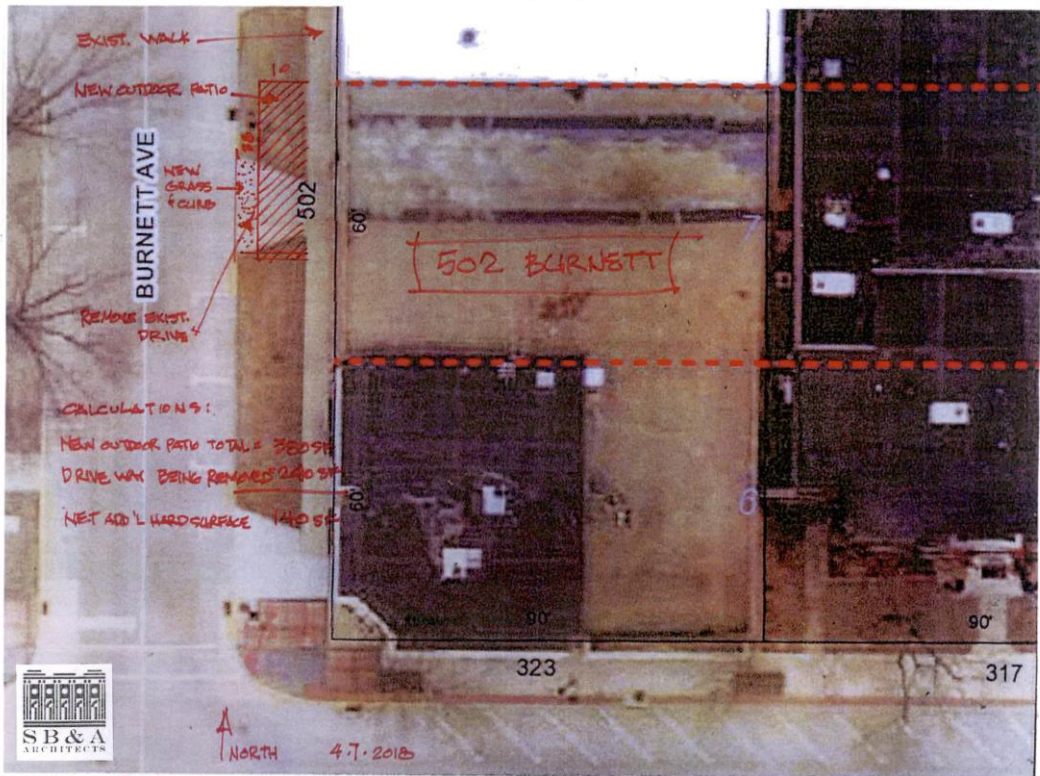
Mailing Address: SAME Email: mstotts@skarchitecture.com

These items must be submitted with your application prior to approval of the permit:

- 1. An Encroachment Permit Agreement approved as to form by the City Attorney and signed by the owner of the building where the encroachment will occur (obtained from the City Clerk's Office).
2. A sketch of the encroaching item (i.e., sign, canopy, awning, etc.) drawn to scale.
3. A sketch showing the placement of the encroaching item on the property.
4. An insurance certificate with comprehensive general liability coverage in an amount of not less than \$500,000 combined single limit naming the City of Ames as an additional insured on the policy. Said certificate must be accompanied with a copy of Endorsement CG 2013.
5. A fee to be determined by the City's Building Official. The fee is \$1.00 per square foot of the encroachment or a minimum of \$25.00.

Applicant's Signature: [Signature] Date 4.11.2018

Property Owner's Signature (If different): Date



SCALE: 1" = 20.0'

