

**COUNCIL ACTION FORM**

**SUBJECT: ENCROACHMENT PERMIT FOR BRICK COLUMNS AT 3109 BALSAM CIRCLE**

**BACKGROUND:**

Hoffman Construction is seeking approval for an encroachment permit that would allow two brick columns in the public way at 3109 Balsam Circle. Although the brick columns will not encroach onto a sidewalk or street, they will be located outside of the property line. The total encroachment will be approximately 12 square feet, but not affect use of the public way.

**Upon review, staff has recommended approval of the encroachment permit with the addition of three conditions:**

- A. The maximum allowed height for decorative items in front yards is 48 inches; therefore, the columns must be no taller than 48 inches in height.**
- B. If the columns are hit or substantially damaged, they must be removed from the public way by the property owner at 3109 Balsam.**
- C. The columns must be built at least one foot back from the curb to avoid damage from snow plows.**

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 applicant and owner agree 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 applicant and owner also understand that this approval may be revoked at any time by the City Council. The fee for this permit was calculated at \$25, and the full amount has been received by the City Clerk's Office along with the certificate of liability insurance.

**ALTERNATIVES:**

1. Approve the encroachment request with the three additional conditions bolded above.
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 request, along with the three additional conditions bolded above, for the two brick columns.

