

COUNCIL ACTION FORM

SUBJECT: ENCROACHMENT PERMIT FOR 535 SOUTH DUFF AVENUE

BACKGROUND:

The property owner is requesting approval of the continued use of the paved area for parking of rental vehicles. The paving and use has been in existence several years. A recent sign permit application brought this encroachment to staff's attention. The owner has paid the required fee of \$924 and provided the required proof of insurance as part of the Encroachment Permit application process. Because the South Duff right-of-way is also under the jurisdiction of the state of Iowa, the property owner will additionally need to receive approval of the Iowa Department of Transportation (IDOT) before the use of the paved area is finally approved. The IDOT requests that the City take action before it considers the matter.

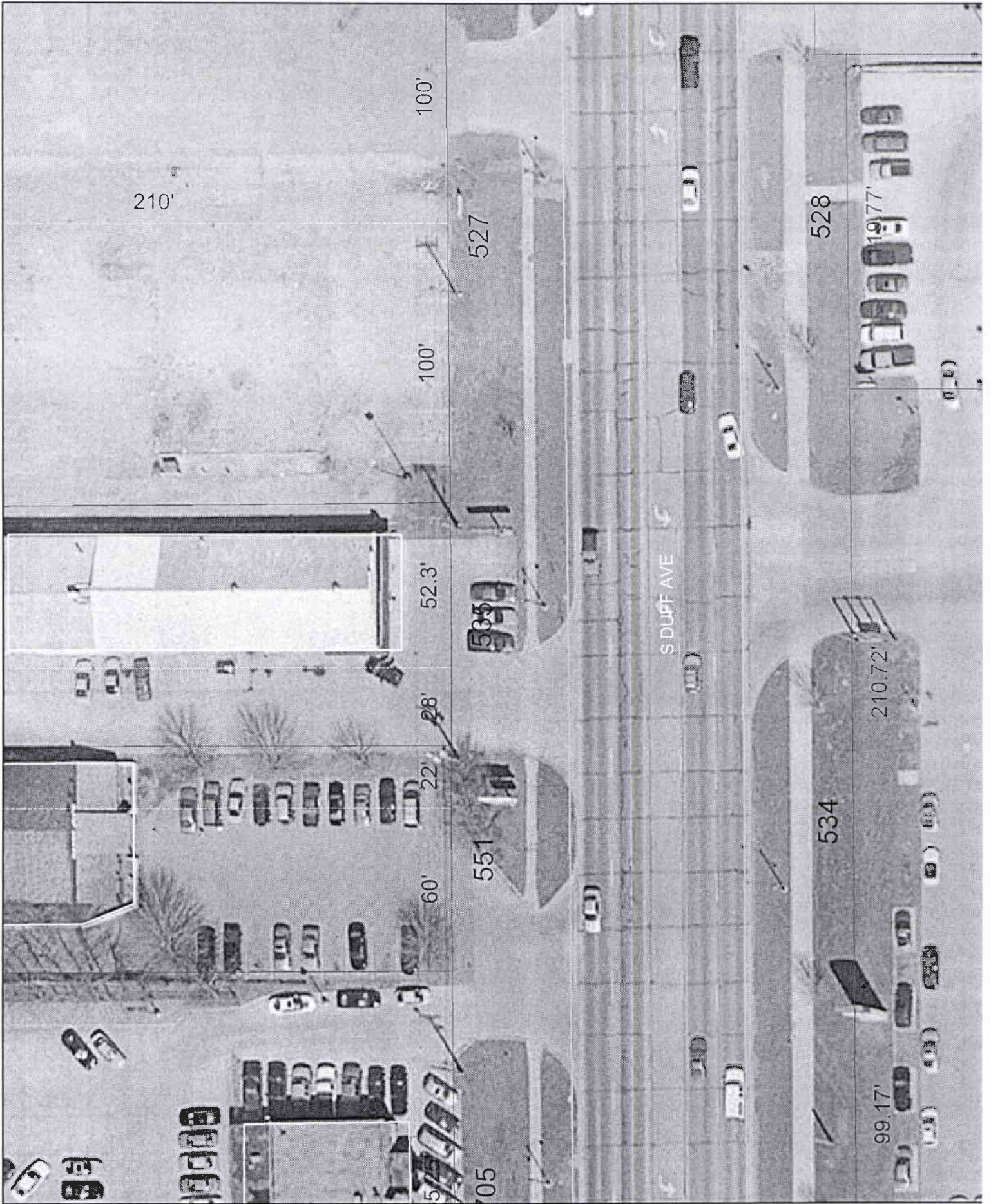
ALTERNATIVES:

1. The City Council can approve the request for approval of the continued use of the paved area for parking of rental vehicles.
2. The City Council can deny the application and order the paved encroachment to be removed from City right-of-way.

MANAGER'S RECOMMENDED ACTION:

Staff's research indicates that the City does not have a clear policy or criteria by which to objectively evaluate pre-existing encroachments, i.e., those which were established prior to application and approval of a permit. Absence of a detailed policy is not an issue for those encroachments creating a clear public safety hazard or interfering with access for the City or other authorized entity to service lines and equipment. Such encroachments must be prohibited. Applications of the present type are not as clear. The most that may be said for legalizing the present encroachment is that there appears to be no public safety hazard. As far as interference with utility access is concerned, the paved area may be broken and removed if necessary to provide access. The cost of replacing it is the owner's should he elect to continue the encroachment into the public right-of-way.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the request for approval of the continued use of the paved area for parking of rental vehicles. Should the property owner learn that the IDOT disapproves of their continued use of the paved area, the City will refund the fee and rescind the Permit.



This map is for informational purposes only. The accuracy and completeness are not guaranteed. All information must be verified in the field.

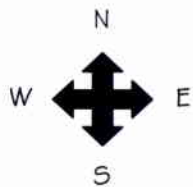
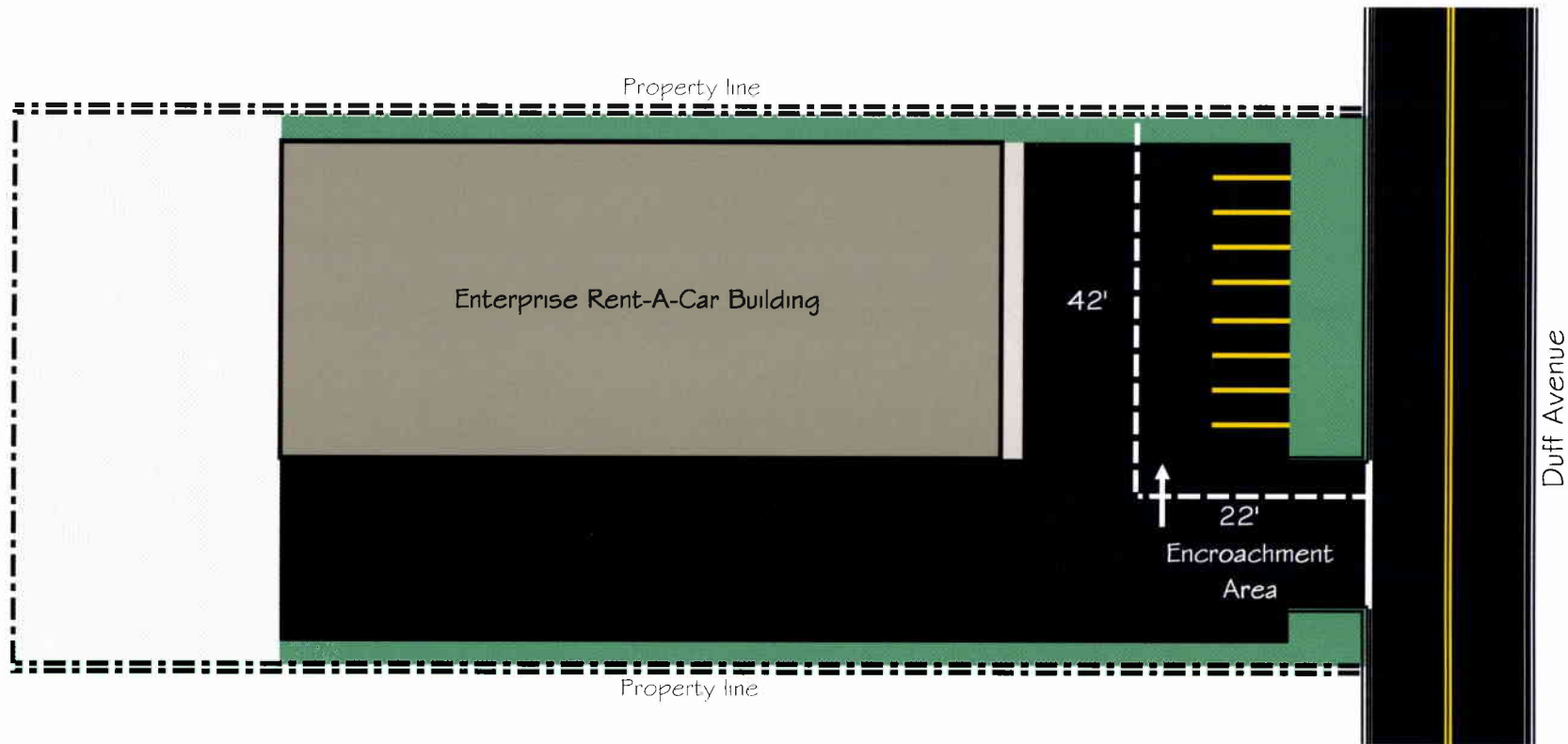


22' x 42'



1 inch equals 44 feet





08/10/2007
 Encroachment Application; City of Ames, IA
 Applicant: Enterprise Rent-A-Car Company Midwest
 4509 Brady Street
 Davenport, IA 52806
 Property Address: 535 South Duff Avenue
 Ames, IA 50010
 Property Owner: Flummerfelt, Inc.