

ITEM # 16
DATE 01-26-21

COUNCIL ACTION FORM

SUBJECT: ENCROACHMENT PERMIT FOR SIGN ON BUILDING AT 203 MAIN STREET

BACKGROUND:

Dog-Eared Books LLC is seeking approval for a sign attached to the building that is 160" long x 20" tall x 10" deep.

Chapter 22.3(3) of the *Ames Municipal Code* requires approval of the Encroachment Permit Agreement 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 that 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 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 sign.

COUNCIL ACTION:

DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER
Prepared by: City Clerk's Office, 515 Clark, Ames, IA 50010 Phone: 515/239-5105
Return to City Clerk, P. O. Box 811, Ames, IA 50010

ENCROACHMENT PERMIT AGREEMENT
203 Main Street, Ames, IA 50010

RE: 203 Main Street legally described as Original Town E7' LOT 27 & ALL LOTS 28 & 29 & W2'
LOT 30 BLOCK 11

IT IS AGREED between the undersigned and the City of Ames, Iowa, that:

1. With respect to the sign more fully detailed on the attached drawing, which by this reference is made a part hereof, for which an Encroachment Permit under Section 22.3 of the *Municipal Code* of Ames may be issued, the Owners do hereby covenant and agree to indemnify and hold harmless the City of Ames, its officers and employees, against any loss or liability whatsoever, including attorney's fees, pertaining to any and all claims whatsoever made by any and all persons whomsoever, resulting from or arising out of the location and maintenance of said encroachment.
2. There shall be maintained in effect by the Owners, for the period of the encroachment, comprehensive general liability insurance coverage in an amount of not less than \$500,000 combined single limit. Said certificate must be accompanied with a copy of Endorsement CG 2013, naming the City of Ames and its employees and assigns, as an additional insured on the policy. The certificate must be on file in the Office of the City Clerk, City of Ames, before a permit shall be issued.
3. It is expressly understood and agreed that nothing herein contained shall be deemed a waiver or exemption from any ordinances or amendments thereto enacted by the City of Ames; and, that the City may require the Owners, after notice and an opportunity for hearing, to remove said encroachment for any legitimate reason.
4. This Covenant and Agreement shall run with the land and be binding upon the successors

and assignees of the parties hereto. The Owners shall notify the City Clerk at the time that the encroachments cease to exist.

Dated this _____ day of _____, 2021

CITY OF AMES, IOWA
515 CLARK AVENUE

Dog-Eared Books LLC
203 Main Street

By: _____
John A. Haila, Mayor

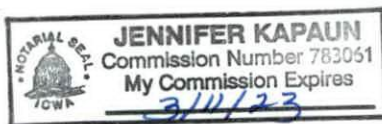
By: Amanda Lepper
Amanda Lepper, Applicant

By: Chuck Winkleblack
Chuck Winkleblack, Property Owner

State of Iowa
County of Story

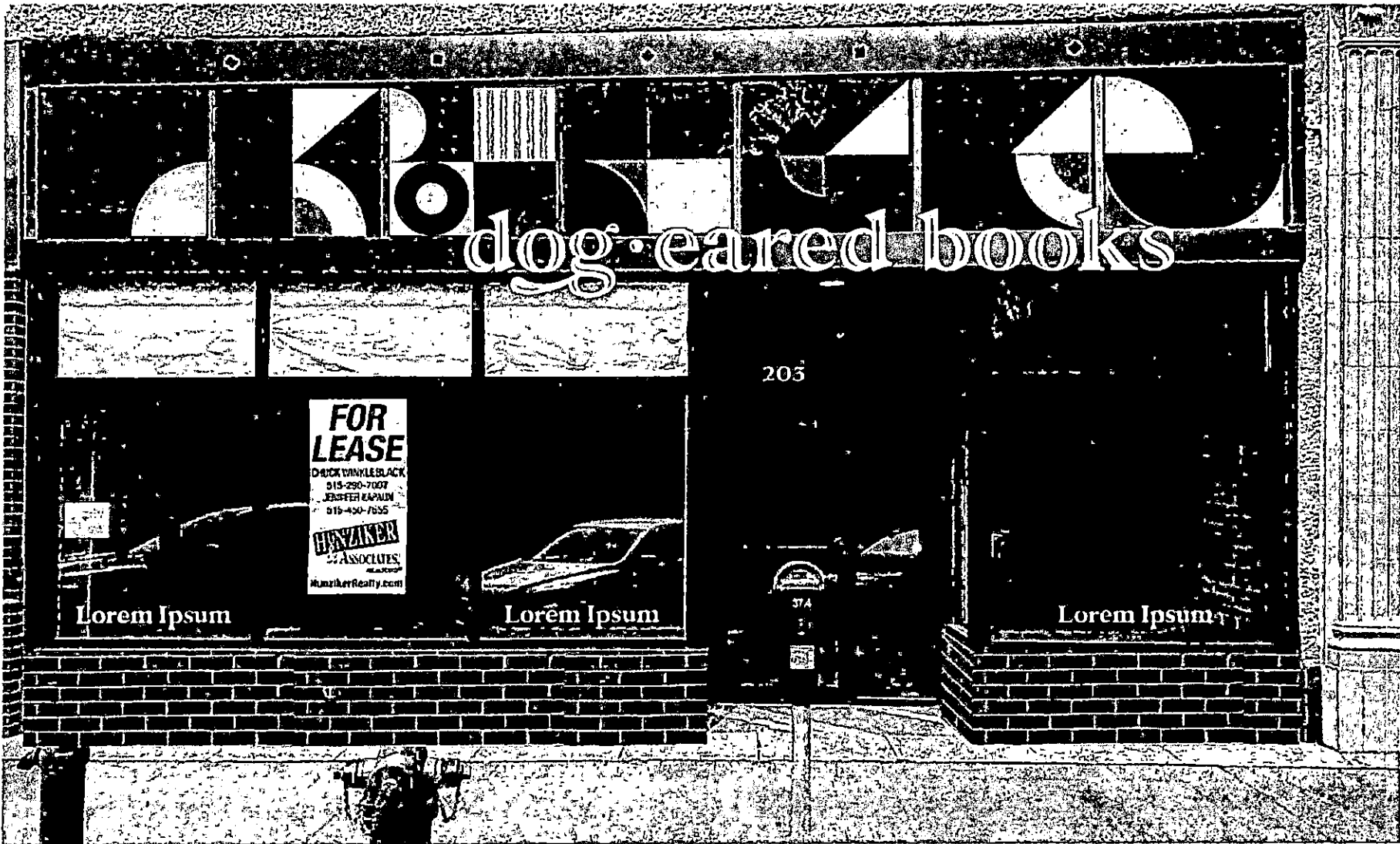
On this 20th day of January, 2021, before me, the undersigned, a Notary Public in and for Story County, State of Iowa, personally appeared Amanda Lepper and Chuck Winkleblack, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my notarial seal the day and year last above written.



Jennifer Kapaun
Notary Public in and for the State of Iowa

Storefront # 1



dog-eared books

205

FOR LEASE
DUCK WINKLEBLACK
015-290-7007
JEFFER KAPALIN
015-450-7655
WENZEL
ASSOCIATES
RE/MAX
WenzelRealty.com

Lorem Ipsum

Lorem Ipsum

374

Lorem Ipsum



For Office Use Only

Documents Received

Date: 1-13-21
Completed Application
Certificate of Inspections
sent to PW, P&H, Building
Official on 1-13-21
Review by DRC needed?
Sent 1-13-21

Fees
Fee Amount \$25
Date Fee Paid 1-20-21

Insurance (requested 1-13)
Received 1-19-21
Approved 1-19-21

Agreement
Two originals prepared to 1-18
Signed agreements returned 1-20-21

CC Meeting Date 1-26
Added to agenda 1-19
CAF prepared on T Drive

Follow Up
Application approved
Agreement signed by Mayor
Letter prepared and sent to applicant
Clerk's copy of Agreement sent to Recorder
Add to FMS with insurance expiration date

Notes
1-26-21 CC agenda
CAF

ENCROACHMENT PERMIT APPLICATION

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."

Applicant is: Property Owner Tenant Contractor

Applicant Name Dog-Eared Books LLC

Address of Encroachment 203 Main Street

City Ames State Iowa Zip Code 50010

Type of Encroachment: Sign

(If the encroachment is a sign, please apply for a sign permit through the Inspections Division.)

Total Square Feet of the Area to Encroach: 160"long x 20" tall x 10" deep 117

(See attached submittal guidelines.)

Property Owner Name Chuck Winkleblack

Mailing Address 105 S. 6th Street

City Ames State Iowa Zip Code 50010

Daytime Phone Cell Phone 515-290-7007

E-mail: chuck@hunziker.com

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

- 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).
A sketch of the encroaching item (i.e., sign, canopy, awning, etc.) drawn to scale.
A sketch showing the placement of the encroaching item on the property.
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.
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 Date 1/11/21

Property Owner's Signature Date 1/12/21

Submit your completed permit application to: diane.voss@cityofames.org
City of Ames
City Clerk's Office
PO Box 811
Ames, IA 50010