

ITEM #: 12
DATE: 08-22-23
DEPT: ADMIN

COUNCIL ACTION FORM

SUBJECT: ENCROACHMENT PERMIT FOR SIGN OUTSIDE BUILDING AT 301 ALEXANDER AVENUE

BACKGROUND:

The tenant in the building at 301 Alexander Avenue, Hayes Properties, LLC, is seeking approval for a sign outside the building that is 98 inches high and 55 inches wide. An Encroachment Permit is necessary to allow this sign to be installed over the right-of-way.

Chapter 22.3(3) of the *Ames Municipal Code* requires approval of the Encroachment Permit Agreement by the City Council before the Permit can be issued. By signing the Agreement, the applicant and owner agree to hold harmless the City 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 for an encroachment permit.
2. Deny the request for an encroachment permit.

CITY MANAGER'S RECOMMENDED ACTION:

The application meets the criteria for the approval of an Encroachment Permit, and the required fee and insurance have been received by the City Clerk's Office. It is therefore, the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.



CITY OF Ames

For Office Use Only

Documents Received

Date: 8-9-23
[X] Completed Application
[X] Certificate of Inspections sent to PW, P&H, Building Official on 8-10/ 8-11 Bank
Review by DRC needed?

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: [X] Property Owner [] Tenant [] Contractor

Applicant Name: Hayes Properties, LLC
Address of Encroachment: 301 Alexander Avenue
City: Ames State: IA 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: 37.5
(See attached submittal guidelines.)

Property Owner Name: Caroline Hayes
Mailing Address: 56030 180th ST
City: Ames State: IA Zip Code: 50010
Daytime Phone: 5154500306 Cell Phone: same
E-mail: cshayes61@gmail.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).
[X] A sketch of the encroaching item (i.e., sign, canopy, awning, etc.) drawn to scale.
[X] A sketch showing the placement of the encroaching item on the property.
[X] 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: Caroline Hayes Date: 8-8-23
Property Owner's Signature: Caroline Hayes Date: 8-8-23

Submit your completed permit application to:
grace.bandstra@cityofames.org
City of Ames
City Clerk's Office
PO Box 811

Fees
Fee Amount
Date Fee Paid

Insurance
[X] Received 8-10-23
[X] Approved 8-10-23

Agreement
Two originals prepared
Signed agreements returned

CC Meeting Date: 8-22-23
[X] Added to agenda
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

7"
depth

55 Inches

 **Play & Learn**
EARLY CHILDHOOD CENTER

98
inches



RESOURCE
CONSULTING
ENGINEERS LLC

SEABOARD
foods

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

RE: Ames Commercial Industrial Park SD Lot: 4 Ames, Iowa

ENCROACHMENT PERMIT AGREEMENT
301 Alexander Avenue, Ames, Iowa

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 _____, 2023.

**CITY OF AMES, IOWA
515 CLARK AVENUE**

**Hayes Properties, LLC
301 Alexander Avenue**

By: _____
John A. Haila, Mayor

By: Caroline Hayes
Caroline Hayes, Applicant/Property
Owner

**State of Iowa
County of Story**

On this 14 day of August, 2023, before me, the undersigned, a Notary Public in and for Story County, State of Iowa, personally appeared Caroline Hayes and NA, 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.

Renee Hall
Notary Public in and for the State of Iowa

