Recommendation for Action

File #: 22-3288, **Agenda Item #:** 8. 10/27/2022

Posting Language

Authorize execution of an encroachment agreement with River & Rainey Venture, LLC, a Delaware limited liability company, for the permanent aerial encroachment of public right-of-way for an aerial pool deck consisting of approximately 319 square feet, encompassing a volume of 5,102 cubic feet, extending along Rainey Street, between approximately 61 Rainey Street and 69 Rainey Street.

Lead Department:

Development Services Department

Fiscal Note:

This item has no fiscal impact.

Prior Council Action:

September 1, 2022 - Council approved the negotiation of this encroachment agreement with River & Rainey Venture, LLC on the motion by Council Member Tovo, seconded by Council Member Pool on a vote of 11-0.

For More Information:

Michael Gates, Real Estate Services Officer, (512) 974-5639; Jacquelyn Armstrong, Property Agent Senior, (512) 974-7149; Elizabeth Boswell, Managing Engineer, (512) 974-1849; Jennifer Verhulst, Assistant Director, (512) 974-9318

Council Committee, Boards and Commission Action:

June 14, 2022 - The item was approved by Planning Commission on a motion by Vice-Chair Hempel, which was seconded by Commissioner Shieh, on a vote of 10-0. Commissioners Howard, Mushtaler, and Thompson were absent.

Additional Backup Information:

A request has been received for a permanent aerial encroachment of approximately 319 square feet of public right-of-way for aerial pool decking, extending along Rainey Street, at approximately 61 & 69 Rainey Street. The proposed encroachment area is approximately 112.75 feet above street level, encompassing a volume of 5,102 cubic feet. This project is a mixed-use high-rise development with the following uses: multifamily, restaurant, retail, cocktail lounge, and associated improvements.

The total appraised value for the encroachment is $21,196.00. A check in the amount of the appraised value has been submitted to the Development Service Department for processing upon approval of this encroachment agreement request. In addition, the applicant has reimbursed the City for the cost of the appraisal and the cost of the public notice requirements sent by certified mail, return receipt requested, to registered neighborhood organizations whose boundaries are within all or a portion of the proposed encroachment areas. No objections were received.

On September 1, 2022, staff's recommendation to negotiate and execute the agreement was amended to authorize negotiation only, and staff was directed to return with a new appraisal amount. However, Section 14-11-52 of the City Code, which governs the compensation component of the encroachment agreement process, does not provide for staff to negotiate the City's compensation in exchange for encroachment agreements. Therefore, staff is seeking Council approval to execute the proposed agreement as previously detailed.

Strategic Outcome(s):
Government that Works for All.