

STAFF REPORT**CITY COUNCIL
June 25, 2002**

To: Mayor and City Council

From: George J. Rodericks, City Manager

Originated By: Warren W. Repke, P.E., City Engineer

SUBJECT: Request For Permanent Encroachment Over City Sewer Easement at
18974 Mesa Drive

BACKGROUND

The City has easement rights over a fifteen (15) foot wide easement for sewer and water purposes located along the east property line of 18974 Mesa Drive. (See attached Exhibit A.) The easement was recorded in September of 1971. Within the easement is an 8" diameter sewer main that terminates at the property just north of the subject property. The sewer is located approximately 3 to 4 feet from the east property line as shown on the attached Exhibit A.

The applicant has requested to construct an addition to their existing single family structure that will encroach from three feet (3') to five feet (5') into the existing City Easement. The encroachment occurs in two separate locations, one being 35 feet, 6 inches long (35', 6") and the other 8 feet, 8 inches long (8', 8"). The encroachments are shown on the enclosed plan submitted by the applicant.

FINDINGS

Pursuant to the City's Municipal Code, no person shall construct, place or maintain an encroachment which in whole or in part rests upon, in or over any public right-of-way without having first obtained an encroachment permit to do so. For the purposes of this section of the Municipal Code, the definition of public right-of-way includes an easement. The City Manager or his designee may issue encroachment permits; however, because this is a permanent encroachment permit, staff is bringing this issue before the City Council.

The proposed development on the property is consistent with all setback and lot coverage requirements. Site Plan Review, Building Permits, and an approved Encroachment Permit must be obtained prior to construction.

The City Engineer has reviewed the request and recommends the following findings:

1. The standard width easement requested or required for an 8 inch diameter sewer would be ten feet (10'),
2. The easement of record is stated as an "easement for sewer and water purposes." Although there are currently no water mains in the easement clearance from the Serrano Water District should be obtained,

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3. The existing sewer is located on the east side of the easement. The proposed structures will have a minimum clearance of six feet (6') from the sewer,
4. The existing sewer serves only a few properties which minimizes the chances of future sewer main problems and,
5. The applicant would be required to execute an Encroachment Agreement, copy attached, which would be recorded and run with the land. This Agreement provides certain assurances and conditions including a provision which requires removal of the encroachment upon request of the City Engineer.

FISCAL IMPACT

None.

RECOMMENDATION

As determined by Council.

Approval should include the following conditions:

1. Applicant shall be required to execute an Encroachment Agreement and pay any applicable fees (\$75.00 Permit fee plus a \$250.00 Processing Fee plus the cost of recording),
2. Applicant shall be required to obtain Site Plan Review approval and pay any applicable fees (\$100.00) and,
3. Applicant shall be required to obtain any necessary Building Permits and pay any applicable fees.