



## **AGENDA MEMORANDUM**

First Reading Ordinance for the City Council Meeting of August 16, 2016  
Second Reading for the City Council Meeting of August 23, 2016

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**DATE:** July 13, 2016

**TO:** Margie C. Rose, City Manager

**FROM:** Daniel McGinn, Interim Director, Development Services Department  
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Ordinance authorizing the City Manager or designee to execute a license with the River View at Calallen, LP located at 11930 Leopard Street.
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### **CAPTION:**

Ordinance authorizing the City Manager or designee to execute a license with the River View at Calallen, LP ("Permittee") to install, operate, maintain, and remove a private two-inch sanitary sewer force main encased in six-inch Steel Pipe ("Wastewater Line") across Leopard Street public street right-of-way, located west of Western Drive public right-of-way, subject to the Permittee's compliance with specified conditions.

### **PURPOSE:**

The purpose of this License is to allow River View at Calallen, LP the ability to connect the Riverview Apartments to the City sewers.

### **BACKGROUND AND FINDINGS:**

River View at Calallen, LP ("Permittee") desires to install, operate, maintain, and remove a private two-inch sanitary sewer force main encased in six-inch Steel Pipe ("Wastewater Line") across Leopard public street right-of-way. The wastewater sewer main being installed will be crossing approximately 201 linear feet of the Leopard Street public street right-of-way. The private line authorized by this License is strictly limited to providing sanitary sewer service to Riverview Apartments. Staff recommends that the Permittee pay a one-time payment of \$1,053.00 for this License, for the use of the Leopard Street public street right-of-way. Permittee must comply with all the specified conditions of the ordinance within 180 days of Council approval.

### **ALTERNATIVES:**

Denial of this License. This will, however, adversely impact the Owner's ability to move forward with future development of the subject property.

**OTHER CONSIDERATIONS:** Not applicable

**CONFORMITY TO CITY POLICY:**

City Charter Article IX, Section 1, requires City Council approval for use of any portion of public right-of-way for private purposes. Ordinance 026217, Section 3. Section. 49-61. Fees for use of public ways by unauthorized pipelines.

**EMERGENCY / NON-EMERGENCY:** Non-Emergency

**DEPARTMENTAL CLEARANCES:**

All public and franchised utilities were contacted. None of the City departments or franchised utility companies had any facilities or objections regarding the proposed Use Privilege Agreement, provided the applicant meets the specified conditions set out in the Use Privilege Agreement.

**FINANCIAL IMPACT:**

☐ Operating      ☒ Revenue      ☐ Capital      ☐ Not applicable

<b>Fiscal Year: 2014-2015</b>	<b>Project to Date Expenditures (CIP only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Line Item Budget				
Encumbered / Expended Amount				
This item		Onetime Fee \$1,053.00		\$1,053.00
BALANCE		\$1,053.00		\$1,053.00

Fund(s):

**Comments:** None

**RECOMMENDATION:**

Staff recommends approval and adoption of the ordinance. Owners must comply with all the following specified conditions of the ordinance:

- a. In exchange for the City's authorization for use of the public right-of-way by the Permittee for the stated purpose, the Permittee agrees to provide the City with a one-time license fee of \$1,053.00.

- b. The Permittee's use of the private two-inch sanitary sewer force is strictly limited to serving the Riverview Apartments on Leopard Street. Permittee may not provide wastewater service through the wastewater sewer main to any facilities other than the facilities specified in this section nor may Permittee permit or allow anyone else to provide wastewater service or any other service through the force main to any facility whether owned by the Permittee or by another person or entity.
- c. All costs incurred to install, operate, maintain, repair, and remove the Wastewater Line are the sole responsibility of the Permittee.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance with Exhibits