



Agenda Item:

67

COUNCIL COMMUNICATION

City Manager's Office

GENERAL INFORMATION

Agenda Date: 10/10/05
Agenda Item Type: Resolution

Communication No.: 05-555
Roll Call No.:

Submitted by: Larry Hulse, Community Development Director

SUBJECT—

Consent to an easement on city-owned property adjacent to 418 East 5th St. to satisfy building code fire separation distance requirements.

SYNOPSIS—

Approval of this action will establish an easement to limit construction on City owned property at 425 East Grand Ave. This will enable the property owner of 418 East 5th Street to retain a wood framed deck built in close proximity to the property line between the two properties.

FISCAL IMPACT—

None.

RECOMMENDATION—

Approval

BACKGROUND—

Darryl Thielen is the owner of the property at 418 East 5th Street, and has constructed a wood deck onto the rear of the building. The deck extends beyond the fire separation distance approved during plan review (3 feet from the property line). The property owner desires to retain this deck in its present configuration (approximately 9 inches from the property line). City code allows establishment of an easement on adjacent property to preserve this fire separation distance when agreed upon and granted by the adjacent property owner. The City owns the adjacent property at 425 East Grand Ave., which is used as a surface parking lot.

The fire and building codes limit projections from exterior walls in order to control fire spread from building to building based on proximity to property line. An easement creates a fire separation distance separate from the property line, and controls construction within that distance, thus preserving fire separation distance. This easement will protect Thielen's deck from fire exposure of any future building by limiting construction within 3 feet of the deck.

Approval of this action will enable the property owner to retain the deck in its present configuration. The agreement language will allow the city to build up to the easement, or if desired, vacate the easement with proper notice, upon which the deck must be removed to the three-foot distance. The easement terminates upon sale of the property, removal of the deck or upon notice, thus preserving the ability of the city to redevelop or sell this property.