

 Council Communication Office of the City Manager	Date	May 5, 2008
	Agenda Item No. 39 Roll Call No. <u>08-</u> Communication No. <u>08-259</u> Submitted by: Larry Hulse, Community Development Director; Jeb E. Brewer, P.E., City Engineer	

AGENDA HEADING:

Amending Section 26-211(b)(1) thereof, relating to building code obstruction permits.

SYNOPSIS:

Recommend amending Section 26-211(b)(1) thereof, relating to building code obstruction permits. Section 26-211 of the Municipal Code authorizes the issuance of an obstruction permit when use of a portion of the City right-of-way is needed for private construction purposes. These changes will specifically set forth that the Surety Bond is to cover restoration of the right-of-way and all public improvements caused by the contractor in conjunction with the construction project.

FISCAL IMPACT:

Amount: N/A

Funding Source: No changes to the fee schedule or bond requirements are necessary. Section 26-211 contains existing permit fees and surety bond requirements.

ADDITIONAL INFORMATION:

The intent of section 26-211 is to allow a contractor to make limited use of public right-of-way when necessary for construction purposes on private property. Obstruction permits are frequently used for building construction in the downtown area, where the building is constructed out to the property line, with no setback to provide space for construction activities.

Various sections of the City Code require restoration of the right-of-way if it is damaged; however, none of these provisions were located directly within the obstruction permit section. The existing requirement for a surety bond is to ensure removal of the obstruction, typically a fence. Recent projects have demonstrated a need for greater leverage when damages occur within the right-of-way as a result of the construction activity, and the owner or contractor is unwilling to restore the site to a pre-construction condition. These changes will specifically set forth that the Surety Bond is to cover restoration of the right-of-way.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Second and third readings of Ordinance

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