



Meeting Date: September 12, 2016

Report No. CC-16-108

Agenda Item No. 7-a

Status: General Orders

Purpose: Request City Council approval of a right-of-way agreement with the Islamic Society of Stillwater.

Background Summary: The Islamic Society of Stillwater owns property at 616 N. Washington Street where their mosque is located. As part of the site redevelopment, the elevation of the site was raised resulting in the need for a retaining wall. The approximate 3-1/2 foot tall retaining wall was constructed in the public right-of-way without the City's approval.

The retaining wall is constructed along the entire frontage of Washington Street and wraps around the corners at Cantwell and Connell, encroaching approximately 7-feet into the Washington Street right-of-way, approximately 1-foot into the Cantwell right-of-way and approximately 5-feet into the Connell right-of-way. Because of the proximity of the wall to the adjacent street intersections, a sight visibility and stopping distance analysis was conducted. The analysis did not reveal any issues with the intersection sight distance. Also, Stillwater Electric Utility has a primary extension behind the wall that would be impacted by the removal or relocation of the wall.

If approved, the requested right-of-way agreement would allow the retaining wall to remain within the public right-of-way. The request was reviewed by staff and the only concern identified is that the repair or maintenance of the existing electric utility would likely result in a portion of the wall having to be removed and then replaced. In this case, the responsibility to remove and replace the wall is that of the property owner.

Budget Impact: The ownership and responsibility for maintenance and repair of the retaining wall remains the property owner's responsibility. The recommended action has no known budget impact.

Prior Council Action or Part of an Approved Project: No

Related Items: None

Approval of the requested right-of-way agreement will allow the retaining wall to remain in place as constructed. If the requested right-of-way agreement is not approved, the property owner will have to remove the wall and make significant modifications to their site. Because of the minimal impact to the public created by the encroachment and the hardship that removing the wall would create to the property owner, staff is recommending approval of the agreement.

Recommendation: It is recommended that the Council approve the requested right-of-way agreement and authorize staff to sign the agreement.

Prepared by: Paula J. Dennison, Development Services

Reviewed by: Dan Blankenship, Deputy City Manager

Submitted by: Norman McNickle, City Manager

Attachments: Right-of-Way Agreement