



Legislation Text

File #: 170871., **Version:** 1

Request to approve an agreement settling The Standard parking garage's encroachment into City Right-of-Way along NW 3rd Avenue (B)

LM Gainesville, LLC, owns property located on the northwest corner of NW 13th Street and W University Avenue, which was recently constructed into a development known as The Standard. Construction of the parking garage at the north end of the development resulted in a certain portion of the parking garage's building footers encroaching into the public Right-of-Way owned by the City along NW 3rd Avenue. The above-ground portion of the encroaching footers have been substantially shaved/eliminated, resulting in the encroachment being predominately underground. The total encroachment area is approximately 91 square feet, and includes an encroachment into the Right-of-Way of approximately two feet at the widest portion. The appraisal completed at the direction of the City valued the encroachment area at \$14,200. In addition, because of the encroachment, the owner was unable to construct the living green-wall structure at the lower, pedestrian-level along the sidewalk as was required by the property's approved Planned Development zoning. This resulted in four blank concrete panels where the green-wall structure would have otherwise been constructed.

The City and LM Gainesville, LLC, (and any successor owners) have agreed to settle this encroachment issue. The terms of this settlement involve the City granting to LM Gainesville, LLC, easement rights to the encroachment area for the life of the parking garage in return for: 1) \$75,000 in compensation; and 2) LM Gainesville, LLC's agreement to complete a mural on the four blank concrete panels that were intended for a green-wall, as well as a Mural Easement granted to the City to ensure that a mural is provided for the life of the parking garage.

Because this agreement involves granting an easement to City property for greater than two years, it must receive approval of the City Commission per the City's Real Estate Policy.

The City Commission: 1) approve the Easement Agreement and Mural Agreement between the City and LM Gainesville, LLC; and 2) authorize the Mayor and the City Manager to execute Agreements and any associated documents, subject to the approval of the City Attorney as to form and legality.