
Choose an item.

DEPARTMENT: Development Services

FROM: Tony D. McIlwain, Development Services Director

MEETING: November 10, 2023

SUBJECT:

Receive a report, hold a discussion and provide staff direction regarding options for easement and right-of-use agreements. (*Staff Presenter: Tony McIlwain, Development Services Director*)

SUMMARY:

The purpose of this discussion item is to provide the Council Policy and Valuation Committee with pertinent information, options, and recommendations for the City's easement and right-of-way use agreement process. Staff is seeking the Committee's recommendation on how to proceed with future processing of the easement and right-of-way use agreements.

The City utilizes an easement and right-of-way (R-O-W) use agreement for any improvement or use within a publicly dedicated right-of-way or easement. The current process is detailed Section 3.3 of the City's Design Manual.

There are approximately 119 easement and right-of-way use agreements for pipelines, fences, pools, gazebos, sheds, signs, irrigations lines, etc. There are 110 of these agreements for properties located within Johnson County, with the remaining 9 agreements for properties within Tarrant County. Roughly 55 to 60 of the approved agreements involve right-of-way use encroachments.

Historically, the Public Works Department has reviewed and approved easement and right-of-way use agreements for areas located outside of Old Town. These agreements are for items ranging from signs to fences, pipelines, irrigation lines, etc. Prior to 2016, easement and right-of-way use agreements in Old Town were approved by staff. Starting in 2016, City management directed staff to take Old Town easement and right-of-way use agreements forward for review and approval by the City Council for any improvement or use within a publicly dedicated right-of-way. There are currently six different Old Town establishments that have approved easement and right-of-way use agreements: Grumps, Old Texas Brewing, Babe's Chicken House, Eagle's Point, Spice Rack, and Old Town Station.

Specifically, the Committee is being asked to provide comments and recommendations on the following:

- Options for future considerations
- Allowable improvements
- Options for Council document
- Recommending body
- Future renewal process
- Fees
- Policy vs ordinance
- Timing/ next steps

OPTIONS:

N/A

RECOMMENDATION:

Staff recommends that the Committee discuss the proposed easement and right-of-way use agreement options and provide direction for next steps.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

None

FISCAL IMPACT:

N/A

STAFF CONTACT:

Tony D. McIlwain
Development Services Director
tmcilwain@burlesontx.com
817-426-9684