



ELLISON STREET BUILDING ROW USE AGREEMENT

PRESENTED TO THE CITY COUNCIL – 10.6.25

TONY D. MCILWAIN, DEVELOPMENT SERVICES DIRECTOR

ELLISON ST BUILDING ROW USE AGREEMENT

Location:

- 135 and 139 Ellison Street

Applicant:

- Justin Bond (Applicant)
- BTX Old Town LLC and BTX Condominium Association Inc. (Owners)

Item for approval:

Right-of-Way use agreement with BTX Old Town LLC and BTX Condominium Association Inc., for building balconies, signs, outdoor dining patios with attached canopies, fencing, building lighting, downspouts, and awnings that were constructed in the right-of-way, for buildings addressed as 135 & 139 W. Ellison Street



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- The approved Ellison Street Building Project proposal (Exhibit 4) included language that allowed for design flexibility so that the site could meet the overall goals of the project and create a unique place making space.
- The approved development plan, with waivers allowed for the building to be constructed on the property line and without the required landscaping.
- Once the building was placed on the property line, any attachments to the façade of the building extended beyond the property line and into the existing right-of-way.
- The proposed Right-of-Use Agreement includes patio seating areas with and without canopies, decorative metal fencing, balconies with outdoor seating, signs attached to the patio roof canopy, balconies and building facades, building lights, downspouts, and awnings over entry doorways that are in conformance with the Ellison Street Building Project Proposal.

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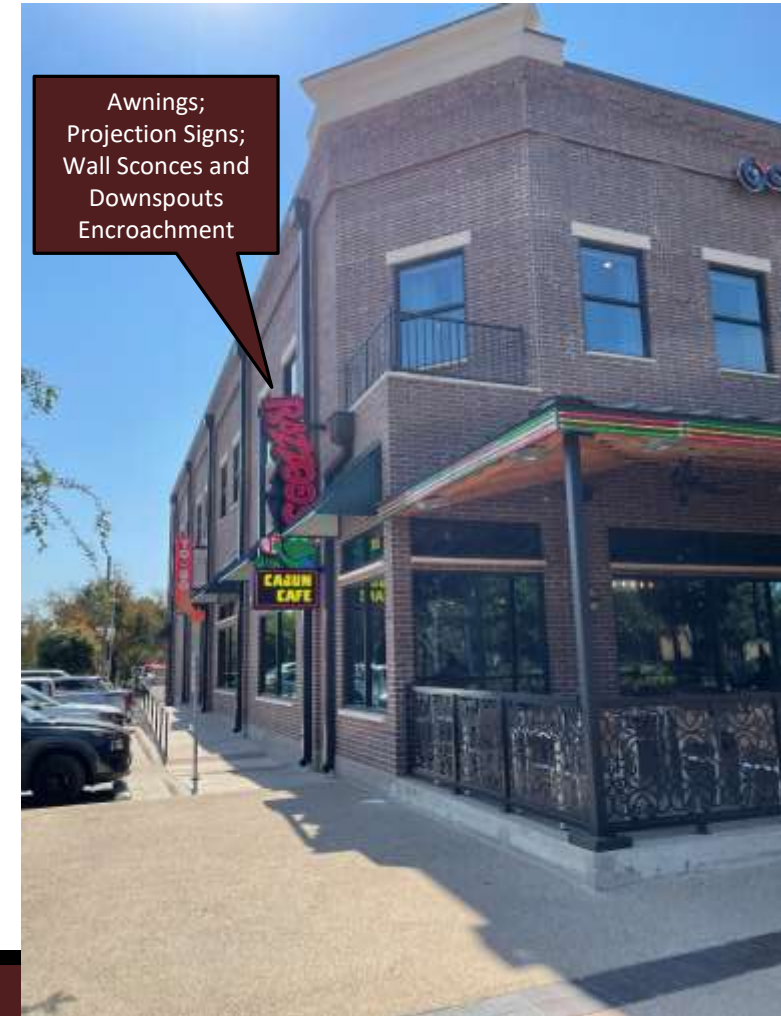
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- Applicant shall be responsible for any expense incurred by the City or any Franchise Utility for removal of any improvements, including the metal canopy, balconies, signs, lights, down spouts, awnings and decorative fencing, in the event of an emergency repair of the existing water line or any other existing public infrastructure within the designated area. Applicant agrees the City will not be responsible for any damage to the tables, chairs, and any other materials belonging to Applicant.
- Applicant agrees to obtain and maintain insurance in the following amounts at all times during the term of this Agreement: (i) Commercial General Liability \$1,000,000; (ii) Damage to Premises \$100,000; (iii) Medical \$1,000; (iv) Personal Injury \$1,000,000, (v) General Aggregate \$3,000,000; (vi) Excess Accident \$100,000 with a maximum \$50.00 deductible.

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Similar Approved ROW Use Agreements In Old Town:

- Grumps Burgers (Balcony & Sidewalk Café)
- Old Town Station (Outdoor Patio)
- Spice Rack (Patio in Alley & ROW)
- Old Texas Brewing Company (Outdoor Patio)

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Old Town Design Standards Review Committee:

- Recommended approval of the Right-Of-Way Use Agreement by a vote of 8 to 0.

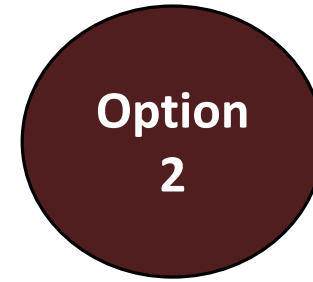
Staff Recommendation:

- Staff supports an approval for the Right-Of-Way Use Agreement. The agreement is consistent with the approved Ellison Street Building Project Proposal that contemplated the encroachments.





Approve



Deny



Questions / Comments

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