



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Ed Parvin, Deputy Town Manager

**DEPARTMENT:** Clerk

**MEETING:** Town Council Meeting 4/9/2024

**SUBJECT:** Discussion of an Encroachment Agreement for R09006-005-003-000

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### **BACKGROUND:**

The Sea Witch Restaurant recently completed a survey of their property. It revealed an encroachment of their operation onto the Town's adjacent property (see Exhibit A of the enclosed Encroachment Agreement). This situation has existed for many years and was unknown to the current owners and the Town until the survey was reviewed.

Moving forward we need to acknowledge that this overlap exists to ensure the Town maintains ownership and that no safety or liability issues are created. The proposed encroachment agreement protects the Town and does allow the encroachment to remain but does not allow for any expansions. Under the agreement if the encroachments are removed the encroached upon property will revert to the Town and will no longer be able to be utilized by the Sea Witch property owners.

### **ACTION:**

Staff recommends adopting the attached encroachment agreement.