



# *MEMO*

**TO:** Mayor Hahs and Members of the Board  
**FROM:** Larry Miller, Building & Planning Manager  
**DATE:** April 3, 2026  
**SUBJECT:** Proposed Encroachment Agreement at 1404 Warren Lake Drive

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The property owner at 1404 Warren Lake Drive has executed an Encroachment Agreement with the City to address the heated driveway system that extends into the public right-of-way. The agreement grants a revocable license for the improvement and confirms that the City may require removal whenever access to the right-of-way is needed. As stated in the agreement, the City may remove the improvement “at City’s sole cost and expense,” but the City has no obligation to repair or replace any heating components damaged during such work, which “shall be at Owner’s sole cost and expense.” The owner must indemnify and hold the City harmless for all claims arising from the installation, use, or removal of the heated driveway, and expressly waives any claim for damage caused by lawful activity in the right-of-way. The agreement runs with the land and will be recorded to ensure notice to future owners.

The Owner has reviewed the Encroachment Agreement and agrees to its terms. He intends to sign the document once the property is formally transferred into the Pearl Stewart Trust, which will hold title in the future. Construction of the residence at 1404 Warren Lake Drive is nearing completion, and City staff prepared this agreement in advance to ensure the project is not delayed once the home is finished and the trust transfer is complete.

This will come before the board during the regular session at the next meeting as a bill. Approval of this item may be granted by a simple majority (5 of 8 votes).