

MEMO



TO: Mayor Hahs and Members of the Board of Aldermen
FROM: Janet Sanders, Building & Planning Manager
DATE: August 11, 2022
SUBJECT: Retaining Wall at 661 West Independence Street

Our department received a building permit application for replacement of a failing retaining wall at the rear of Little Learners Preschool at 661 West Independence Street. This wall supports the playground behind the building. In reviewing the permit application, it was found that the existing wall and a portable carport were constructed by a previous property owner sometime after construction of the building in 1996. They were not included on the original building permit and no subsequent permits were found for a wall or portable carport on this property. The wall and portable carport are located in a 15' sewer and utility easement, which prevents staff from issuing a building permit for a new wall. A small length of the city's sanitary sewer and electric are within that easement. It appears that telephone or cable tv could run the length of this easement. In trying to find a solution for this property owner, we have offered the following options:

1. A Memorandum of Understanding which allows the new wall to be built in the same location with the condition that if the easement is needed in the future the wall must be removed. (copy attached).
- or
2. The owner may work with the adjacent property owner to relocate the portion of the easement needed to construct the wall. (email attached).

The property owner has concerns about both options. However, without Board approval, staff cannot issue a permit for this project. The owner is expected to be at the Board meeting to address his concerns with these options.