



MEETING DATE: May 12, 2025

PRESENTED BY: Xavier Cervantes, Director of Planning

AGENDA ITEM: Conduct a public hearing and consideration of Resolution No._____ for a license to encroach to keep a gate in a public alley at the Southwest corner of the Tolle Subdivision. Applicant: Jose and Jeanette Muniz - Cervantes

NATURE OF REQUEST:

Project Timeline:

- March 13, 2025 – Formal request to encroach on city property submitted to the City.
- April 15, 2025 – Temporary approval by the city for the placement of the gate within the public alley
- May 12, 2025 – Consideration and possible action to execute License Agreement by the City

Summary:

- Mr. and Mrs. Muniz desire the keep the desired gate at the Southwest corner of their subdivision for safety purposes. They reside at the property located Northeast of the gate.
- According to Mr. Muniz, the alley is being used as a street and as a shortcut to the nearby highway, creating significant safety concerns for the residents.

STAFF RECOMMENDATION:

Staff recommends disapproval. If the Council desires to approve the license to encroach, staff recommends that the license be subject to the following:

1. The City reserves the right at any time now or in the future to remove the proposed improvements within the public alley for any reason, and shall not be required to provide reimbursement for the improvements.
 2. The proposed improvements shall conform to City standards and shall not be constructed in such a manner as to cause a nuisance or storm water runoff onto adjacent properties.
 3. That Jose and Jeanette Muniz, its representatives, heirs, administrators, successors and assigns shall indemnify and hold the CITY OF MISSION harmless from any claim, suit, demand, or judgement arising from the encroachment of said items as described in this Revocable License To Encroach regardless of whether or not such claim, suit demand, or judgement results from injuries, death or property damage caused by the sole, joint or concurrent negligence or gross negligence of the CITY OF MISSION.
 4. The Licensee must obtain all necessary permits and approvals prior to the use of the property.
 5. The Licensee must maintain the said property area in a safe and clean condition.
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Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *MRP*

RECORD OF VOTE:

APPROVED:

DISAPPROVED:

TABLED:

_____ **AYES**

_____ **NAYS**

_____ **DISSENTING** _____