



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Mike McCarthy P.E., Interim City Engineer
DATE: November 14, 2022

SUBJECT:

Consideration of Resolution No. 5651-22 Authorizing the City Manager to Execute an Encroachment Agreement for the Private Encroachment of a City Public Utility Easement on 19551 SW 56th Court

RECOMMENDATION:

Staff recommends Council authorize the City Manager to sign the agreement

EXECUTIVE SUMMARY:

Larz and Robin Malony, owners of the home at 19551 SW 56th Ct, hired Premier Pools and Spas to construct a pool in their backyard. The pool was inadvertently located two feet into a five-foot easement that exists along the property lines of this lot. Attached is a letter from Premier Pools with more information about the pool layout and construction.

Staff reviewed the situation and, seeing that this easement is not likely to be used for public utility purposes in the near future, worked with the city's contract attorney on the attached Encroachment Agreement. Larz Maloney has signed this agreement and returned it to the City for signature. Among other conditions and requirements, this agreement allows the pool to remain, but requires the owner to remove it within 60 days of receiving written notice from the City to do so.

OUTCOMES OF DECISION:

If Council chooses to authorize agreement and the City Manager executes it, among other conditions and requirements, the pool would be allowed to remain, but the owner would be required to remove it within 60 days of receiving written notice from the City to do so.

ALTERNATIVES TO RECOMMENDATION:

Council could decide not to authorize this agreement.

ATTACHMENTS:

- Resolution 5651-22 Authorizing this Agreement
- Agreement
- Vicinity Map
- Letter from Preferred Pools and Spas