



Legislation Details (With Text)

**File #:** 24-265      **Version:** 1      **Name:**

**Type:** Consent Item      **Status:** Passed

**File created:** 3/11/2024      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency

**On agenda:** 4/2/2024      **Final action:** 4/2/2024

**Title:** SUBJECT: Approval of an Agreement for Use of City Right-of-Way with Michael Dale McCutcheon, Trustee of the Michael Dale McCutcheon Living Trust Dated June 27, 2014, for Building Signs and Overhead Balconies for 515 West Main Street (The Lofts)

REPORT IN BRIEF

Considers approving an Agreement for Use of City Right-of-Way with the owners of the property located at 515 West Main Street for new building signs and the existing overhead balconies.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Agreement for Use of City Right-of-Way with Michael Dale McCutcheon, Trustee of the Michael Dale McCutcheon Living Trust dated June 27, 2014, for Building Signs and Overhead Balconies for 515 West Main Street; and,

B. Authorizing the City Manager to execute the necessary documents.

**Sponsors:** Joe Cardoso

**Indexes:**

**Code sections:**

**Attachments:** 1. Agreement for Use of City Right-of-Way

Date	Ver.	Action By	Action	Result
4/2/2024	1	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency	approved	Pass

*Report Prepared by: Joe Cardoso, P.L.S., City Surveyor*

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### **ALTERNATIVES**

1. Approve as recommended by staff; or,
2. Approve subject to modifications as conditioned by Council; or,
3. Deny the request; or,
4. Refer back to staff for reconsiderations of specific items (specific items to be addressed in City Council motion); or,
5. Continue to a future City Council meeting (date and time to be specified in City Council motion).

### **AUTHORITY**

Charter of the City of Merced, Section 200.

### **CITY COUNCIL PRIORITIES**

As provided for in the 2023-24 Adopted Budget.

### **DISCUSSION**

The current owners of the real property located at 515 West Main Street (the Lofts) submitted an application to install signs to the Planning Department. The signs will be affixed to new canopies that will be attached to their building, and above the City's sidewalk. The new signs are compliant with the City's sign ordinance. It was determined that these new signs and canopies would encroach onto the City's right-of-way.

It was also discovered that the existing balconies also encroach onto the City's right-of-way. To remedy the balcony encroachment, the property owner has agreed to keep the balconies free of garbage and debris and restrict personal property from being hung on or from the balcony, including but not limited to, clothing, towels, rugs, flags, plants, and other items that may fall from the balconies and possibly injure pedestrians on the sidewalk below.

The property owner will provide the necessary insurance prior to recording of the agreement.

### **IMPACT ON CITY RESOURCES**

No appropriation of funds is needed.

### **ATTACHMENTS**

1. Agreement for Use of City Right-of-Way