



Legislation Details (With Text)

File #: 24-0383 **Version:** 1 **Name:** A Resolution Approving to Enter Into a Right-Of-Way Agreement
Type: Resolution **Status:** Adopted
File created: 6/24/2024 **In control:** City Council
On agenda: 7/1/2024 **Final action:** 7/1/2024
Title: A Resolution Approving a Right-Of-Way Use Agreement Between the City of Foley and Colt Foley, LLC

Sponsors:

Indexes:

Code sections:

Attachments: 1. Foley ROW Use Agreement 118 W Laurel revised June 21

| Date | Ver. | Action By | Action | Result |
|----------|------|--------------|---------|--------|
| 7/1/2024 | 1 | City Council | adopted | Pass |

A Resolution Approving a Right-Of-Way Use Agreement Between the City of Foley and Colt Foley, LLC

Description of Topic: (who, what, where, when, why and how much)

Grumpy's is located at 214 W. Laurel Avenue, Foley, and has interior seating for 44 patrons. They wish to add two tables with four chairs on the sidewalk, which is 10' wide from the parking curb to the building. If added they would intrude approximately 3' from the building. The zoning ordinance does not cite specifically the approval process but it requires action and approval by Council.

Budgetary Impact:

Non-Capital Item:

_____ Budgeted under account # _____ (discussion item)

_____ Not budgeted, requesting transfer of \$ _____ from Account # _____ to

Account # _____.

_____ Not budgeted requiring increase to account # _____ in the amount of

\$ _____.

Capital - Departmental

_____ Budgeted under account # _____ for \$ _____ and described in budget as

Additional amount needed, if any: Increase in budget of \$ _____ OR, transfer of \$ _____ from Account # _____ to Account # _____

_____ Not Budgeted - account # _____ requires budget increase of \$ _____.

Capital Project - **THE PRE-PROJECT CHECKLIST AND BUDGET CHECKLIST MUST BE ATTACHED TO THIS FILE**

In current year Capital Projects Plan:

_____ Yes, planned amount \$ _____, requesting \$ _____ as total project estimate,

including contingencies, under account # _____
_____ No, requesting \$ _____ as total project estimate, including contingencies, under
account # _____

WHEREAS, COLT Foley desires to encroach on the right-of-way of the public roads designated as West Laurel Avenue, North Alston Street and West Jessamine Avenue for the purposes of constructing or erecting dining and picnic tables, covered outdoor kitchen area containing smokers, and a dumpster, with dumpster pad, within the said right-of-way as more particularly shown on the diagrams, attached hereto as Exhibit A, and incorporated herein, and WHEREAS, it is to the material advantage of COLT Foley to effect this encroachment, and the City, in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right-of-way as indicated, subject to the conditions of the attached agreement.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Foley, Alabama, as follows:

SECTION 1: Approves the attached Right-Of-Way Use Agreement between the City of Foley and Colt Foley, LLC.

SECTION 2: This Resolution shall become effective immediately upon its adoption as required by law.