

TOWN OF ADDISON, TEXAS

RESOLUTION NO. R15-038

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS APPROVING AND SUPPORTING A POLICY FOR LICENSE AGREEMENTS FOR THE USE OF TOWN RIGHT OF WAY IN THE ADDISON CIRCLE DISTRICT WITHIN THE TOWN OF ADDISON PURSUANT TO THE LAWS OF THE STATE OF TEXAS AND THE ADDISON CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town wishes to make reasonable accommodations for the use of the public right of way when possible to encourage street level activity while also maintaining the integrity of the sidewalk for the free and unobstructed use by the public; and

WHEREAS, the Addison Circle District is bounded by Airport Parkway to the North, Arapaho Road to the South, the Dallas Parkway to the East, and Addison Road to the West; and

WHEREAS, the City Council desires to make a policy statement regarding the use of right of way within the Addison Circle District to guide City staff, business owners and residents when requests are made and brought forward for City Council consideration.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Addison Circle Right of Way License Agreement Policy.

1. No private business may occupy public right of way without a license granted by the City Council and recorded in the Dallas County Real Property Records.
2. Requests to use a portion of the public right of way adjacent to a business shall be processed and considered in accordance with the following principles:
 - A. License agreements will only be considered where the remaining sidewalk width would meet or exceed the approved streets standards for the district.
 - B. License agreements will not be considered for areas within 10 feet of a street lane designated for through traffic.
 - C. License agreements will be considered based on the unique site conditions that may exist in a particular location such as, but not limited to, access to and placement of ADA required accessible pathways, pedestrian traffic volumes, impact on adjacent uses and interference with the natural flow of pedestrian traffic.

D. License agreements shall include indemnity and other provisions necessary in order to adequately protect the Town as determined by staff and the City Attorney.

E. The Town will charge a minimum fee of \$1,000.00 per year for the duration of the agreement. The actual fee will be based on intensity of use and the size of the area.

Section 2. Recitals. The above and forgoing recitals are true and correct and are incorporate herein and made part hereof for all purposes.

Section 3. Effective Date. This Resolution shall take effect upon its passage and approval.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 25th day of August, 2015.

Todd Meier, Mayor

ATTEST:

By: _____
Chelsea Gonzalez, City Secretary

APPROVED AS TO FORM:

By: _____
Brenda N. McDonald, City Attorney