



16-712

**TITLE:** Consider/Discuss/Act on a Revocable License Agreement with Eastside SD1, LLC, for the Limited Continued Use of Public Right-of-Way for Hunt Street, Main Street and Virginia Street

**COUNCIL GOAL:** Direction for Strategic Growth

**MEETING DATE:** July 19, 2016

**DEPARTMENT:** Development Services Division

**CONTACT:** Michael Quint, Executive Director of Development Services  
Barry Shelton, AICP, Assistant City Attorney  
Mark Houser, City Attorney

**RECOMMENDED CITY COUNCIL ACTION:**

- Staff recommends approval of a revocable license agreement between the City of McKinney and Eastside SD1, LLC for the use of public right-of-way for Hunt Street, Main Street and Virginia Street.

**ITEM SUMMARY:**

- The attached revocable license agreement details the agreement between the City and Eastside SD1, LLC regarding the use of public right-of-way for Hunt Street, Main Street and Virginia Street.
- The proposed license agreement holds the City harmless from any liabilities with the property owner's use of the public right-of-way and may be revoked by the City with notices outlined within the agreement.
- All improvements within the lease area shall be required to conform to all applicable codes and regulations.

**BACKGROUND INFORMATION:**

- City Staff recently received a complaint regarding Big Bass Towing's masonry wall on Virginia Street. After some investigation by our Code Enforcement and Building Inspections Departments, the wall in question was determined to be leaning at an approximately 76 degree angle. A maximum angle of 85 degrees is

deemed acceptable. The preferred angle would obviously be 90 degrees (perpendicular to the ground). During the investigation, it was also determined that the masonry wall on Virginia Street as well as a metal fence on Main Street were previously constructed within the public right-of-way. In order for Big Bass Towing to continue using the property inside the walls and fences but still technically within the public right-of-way, a license agreement is required.

- The property owner has indicated that the leaning masonry wall on Virginia Street will be removed and rebuilt to regain conformance with applicable City codes.
- The property currently occupied by Big Bass Towing and owned by Eastside SD1, LLC has been in its current condition and configuration for some extended period of time.

**FINANCIAL SUMMARY:**

- N/A

**BOARD OR COMMISSION RECOMMENDATION:**

- N/A

**SUPPORTING MATERIALS:**

[Location Map and Aerial Exhibit](#)

[Proposed Revocable License Agreement](#)