

**Resolution 2021-13**

**A Resolution Approving the Continuance of an Encroachment into the City Right-of-Ways of East Second Street and Plum Alley for property located at 137 East Second Street.**

**WHEREAS**, Frederick A. Dressler and Julie A. Larick have applied to the City of New Castle for authorization to continue encroachments consisting of a porch along East Second Street and the side of the residence along Plum Alley for the property located at 137 East Second Street, known as Tax Parcel No. 21-015.00-139; and

**WHEREAS**, it is the City's understanding that currently the structure of the front porch of the house encroaches into the existing right-of-way of East Second Street by a depth of 4.4 +/- feet, and the side of the dwelling house encroaches into the existing right-of-way of Plum Alley by a depth of 0.4 +/- feet, as shown on a Improvement Location Plan completed by A.E.S. Surveyors, dated March 27, 2008, and attached to this Resolution as Exhibit "A"; and

**WHEREAS**, The Historic Area Commission has previously approved a reconstruction and addition project which allowed the porch and dwelling to continue to encroach on the rights-of-way of East Second Street and Plum Alley; and

**WHEREAS**, it is the City's understanding that the building previously encroached into the right-of-ways of East Second Street and Plum Alley for many years without the knowledge of the City; and

**WHEREAS**, the applicant has agreed to waive any damages arising from the removal of the entire encroaching portion of the structure, including the dwelling and porch, required for the use and maintenance of the rights-of-way by the City.

**NOW, THEREFORE, BE IT RESOLVED**, that the application of Frederick A. Dressler and Julie A. Larick to continue the above-described encroachments of a porch and dwelling house at property located at 137 East Second Street, known as Tax Parcel No. 21-015.00-139 is approved, subject to due execution and recording of a License Agreement in form acceptable to the City Administrator and City Solicitor; and

**IT IS FURTHER RESOLVED**, that the City Administrator is authorized to execute and record such License Agreement with recording fees paid for by the property owners.

**PASSED** this 30th day of March, 2021.

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Linda Ratchford, City Council President

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Valarie W. Leary, Councilperson

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Michael M. Platt, Councilperson

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Russell P. Smith, Councilperson

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Suzanne M. Souder, Councilperson

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Attest:

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Brian G. Whitaker, City Clerk