

OFFICE OF THE MAYOR
Telephone: (716) 286-4310

August 16, 2022

The City Council
Niagara Falls, New York

*RE: Encroachment on City Right-of Way
Pine Avenue Redevelopment Project - Planters*

Council Members:

Tony Poletti, representing Pine Avenue Redevelopment, has applied for an encroachment into the City's right-of-way for fourteen (14) planters to be placed at various locations along Pine Avenue.

This has been reviewed by the appropriate City departments and the Planning Board recommends that it be granted. It is recommended that the following conditions apply:

1. The applicant will add the City of Niagara Falls as an additional insured on its liability insurance policy and provide a copy to the City.
2. The owner will defend and indemnify the City from liability related to the planter encroachment for the duration of the objects' placement within the City's right-of-way.
3. The City can revoke permission for the encroachment on ninety (90) days notice.
4. The City right-of-way will not be obstructed and will at all times allow for the safe passage of pedestrians.
5. The applicant shall obtain written verification by the Traffic Engineering division that planter placement does not create line of sight issues for motorists.

Attached hereto is a copy of the Planning Board's recommendation of approval.

Will the Council so approve?

Respectfully submitted,

CHRISTOPHER M. MAZUR
Corporation Counsel

Bax _____ Myles _____ Tompkins _____ Zajac _____ Spanbauer _____