



Legislation Details (With Text)

**File #:** 22-1042      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 8/28/2022      **In control:** City Council

**On agenda:** 9/6/2022      **Final action:** 9/6/2022

**Title:** Pass the ordinance approving a right-of-way encroachment license agreement to allow for the installation and operation of string lights over a portion of Water Street

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Memo Attachment 1 Sample Info, 2. Ordinance ROW Licence Encroachment Agreement Water Street String Lights, 3. Ordinance Exhibit A LEGAL DESCRIPTION, 4. Exhibit B - Water Street String Light Encroachment License Agreement (COMPLETE)

Date	Ver.	Action By	Action	Result
9/6/2022	1	City Council	passed	

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance approving a right-of-way encroachment license agreement to allow for the installation and operation of string lights over a portion of Water Street

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Amy Emery, AICP, TED Operations Manager

**BOARD/COMMISSION REVIEW:**

N/A

**BACKGROUND:**

The Water Street Property Owner, LLC is requesting to install LED string lights over portions of Water Street (See Attachment 1). The proposed installation will include colored LED string lights crossing back and forth creating a canopy effect over portions of the sidewalk and travel lanes of the Water Street Right-of-Way (ROW). The intent of this installation is to enhance the visitor experience and promote pedestrian activity to support existing retail and dining establishments.

The proposed LED lights are enclosed in plastic weatherproof coverings and will remain in place year-round. The lights can be displayed in different colors depending on the season and activity. They will not be set to blink or flash. As requested, the installation will span 40 feet on each side of the pedestrian bridge. The lights will not extend below the lowest point of the pedestrian bridge to maintain at least 14'9" of clearance. Subject to permit approval, the string lights will be attached to 20 guide wires (e.g., cables) crossing the right-of-way. The cables will be anchored to the street-facing building façade walls of 120 and 123 Water Street. Lighting control boxes will be mounted to the same walls of these buildings. All electrical service connections will be placed next to the lighting

control boxes (no less than 14'9" above the street) to prevent tampering.

**DISCUSSION:**

Per Section 9-1A:12 (Poles and Wires) of Title 9 of the Naperville Municipal Code the City Council may authorize, through an ordinance, the installation of poles and wires over any of any street, alley, or other public way. Installation of string lights above portions of the Water Street ROW, as requested by the petitioner, would be subject to this restriction and requires City Council approval of a ROW Encroachment License Agreement.

Staff has prepared an ordinance to approve a ROW Encroachment License Agreement should the City Council support this request from the Water Street Property Owner. The ROW Encroachment License Agreement includes conditions to require construction permits and inspections to verify compliance with code requirements, safety standards and proper installation techniques. Furthermore, the agreement specifies standards related to emergency access. City Departments have reviewed the proposed encroachment to limit obstruction during emergency situations and require hardware for ease of removal should service operations be necessary in the ROW. The agreement will automatically renew annually. However, the string lights are subject to removal and the agreement may be terminated by the City Manager at any time should maintenance, operation, access or other issues arise.

**FISCAL IMPACT:**

N/A