

Amendment 5 to Council Bill No. 9-2020

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Amendment No. 5

(This Amendment clarifies the purpose paragraph on the title page, requires a Hearing Authority to consider a variance petition within a certain easement area if the Hearing Authority determines that the variance is consistent with a certain easement; specifies that certain setbacks do not apply if the petitioner has certain easements on specified pipestems; and removes certain provisions relating to validity and legality of easements and similar instruments.)

1 On the title page, in the purpose paragraph:

- 2 • strike “to allow the Hearing Authority to grant variances to certain setbacks” and
3 substitute “allowing the Hearing Authority to consider the terms of certain easements and
4 to grant a variance under certain conditions; establishing”;
- 5
- 6 • strike “for”;
- 7
- 8 • strike “that is” and substitute “and nursery school as”; and
- 9
- 10 • strike “under specified conditions”.
- 11

12 On page 2, strike lines 29 to 31 and substitute:

13 “5. AT A HEARING TO CONSIDER A VARIANCE PETITION OR CONDITIONAL USE PROPOSED
14 WITHIN AN EASEMENT AREA, THE HEARING AUTHORITY SHALL PROCEED IF THE HEARING
15 AUTHORITY DETERMINES THAT THE PROPOSED USE OR VARIANCE IS CONSISTENT WITH THE
16 TERMS AND CONDITIONS OF ANY EXCLUSIVE EASEMENT THAT THE PETITIONER SUBMITS
17 AND RELIES ON AS PART OF THE PETITION. A DETERMINATION OF CONSISTENCY DOES NOT
18 BIND A COURT IN ANY PROCEEDING RELATED TO THE MATTER.”.

19

20 On page 3, in line 3, strike “OR ITS PREDECESSOR WAS GRANTED” and substitute “HAS”.

21

22 On page 3, in line 3. after “RECORDED” insert “EXCLUSIVE”.

23

24 Also on page 3, in line 4, before the period, insert:

25 “AND THE PETITIONER OWNS ALL OF THE PROPERTIES THAT ABUT THE PROPERTY TO
26 WHICH THE EXCLUSIVE EASEMENT OR OTHER RECORDED INSTRUMENT APPLIES. THE
27 HEARING AUTHORITY SHALL CONSIDER MULTIPLE ADJACENT EXCLUSIVE PIPESTEM
28 EASEMENTS AS A SINGLE EASEMENT IF THE TOTAL WIDTH OF THE ADJACENT
29 PIPESTEM EASEMENTS DOES NOT EXCEED A TOTAL WIDTH OF 75 FEET”.

30

31 Also on page 3 in line 4, strike beginning with “THE VALIDITY” down through and including all
32 of line 8.

33

34 On page 4, strike lines 15 to 21 and substitute:

35 “F. WRITTEN AUTHORIZATION FROM THE PROPERTY’S OWNER (IF OTHER THAN THE
36 PETITIONER). THE AUTHORIZATION MAY BE IN THE FORM OF A RECORDED
37 EXCLUSIVE EASEMENT OR SIMILAR RECORDED INSTRUMENT.”