

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

February 28, 2019

The City Council  
Niagara Falls, New York

*RE: Encroachment on City Right-of Way  
Mackinali's Café – Old Falls Street*

Council Members:

Custom Covers & Canvas, representing the above referenced property, has applied for an awning encroachment into the City's right-of-way.

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 owner 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 awning encroachment.
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.

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

Will the Council so approve?

Respectfully submitted,

CRAIG H JOHNSON  
Corporation Counsel

Kennedy \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Voccio \_\_\_\_\_ Touma \_\_\_\_\_