



# office memorandum

Date: February 13, 2012  
To: Brenda Hall, City Clerk  
From: Jim Speck, Capital Projects Engineer JS  
Re: Consent to Encroach 1112-8  
Lot 21, Block 2, Cobblestone West Addition, Section II  
(4700 12<sup>th</sup> Avenue SE)

The lot located at 4700 12<sup>th</sup> Avenue SE (Lot 21, Block 2, Cobblestone West Addition, Section II) has a platted 7.5-foot wide utility easement (U/E) along the rear (western) boundary. The owner requests construction of a swimming pool and deck in the proximity of the west property line. The pool is shown to be installed 1.5 feet off of the west property line, and would, therefore, encroach six (6) feet into the U/E.

There are no City utilities located on the property within the platted easement but there is an 8-inch sewer main & manhole located a few feet west of the western property line in the northeast corner of Block C in a platted U/E. The manhole is located a few feet west of the northwest corner Lot 21. The construction, as shown, is located an acceptable distance from the sewer manhole.

The Utilities Department objects to all encroachments on utility easements unless the applicant agrees to certain requirements being filed of record on the consent document. A recommendation to approve is forwarded only when the applicant agrees to the following:

1. The property owner will be responsible for the cost to repair any damages to the City's utilities caused by any excavation, piercing or other construction activities conducted by the property owner or his agents.
2. The property owner will be responsible for the cost the City incurs to remove any fence, curb, landscaping, building, and any other structure if needed to facilitate maintenance or repair of the City's utilities.
3. The property owner will be responsible for the cost to repair or replace any fence, curb, or any other structure after such repairs.
4. The property owner will waive and release any claims against the City for any damages to the residence and related improvements caused by a failure or repair and maintenance of the City's utilities within the easement area.

The Utilities Department can approve the encroachment application if the above requirements are filed of record on the consent document. Please advise if you have any questions.

Cc: Jeff Bryant  
Ken Danner  
Ken Komiske  
Mark Daniels  
David Hager