



office memorandum

Date: August 4, 2020
To: Brenda Hall, City Clerk
From: Nathan Madenwald, P.E., Capital Projects Engineer *NM 8/4/20*
Subject: Consent to Encroach 2021-2
(1832 Cedar Hill Road – Block 3, Lot 8, Brookhaven Addition, Section 17)

Existing platted utility easements (10 feet in width) lies along the west property line of the subject property and an additional easement (10 feet in width) is platted for the abutting property owner to the west for a total easement of 20 feet. The applicant has encroached into said easement to install a retaining wall, pool, gazebo, and landscaping.

No water or sanitary sewer facilities are located within the easement for the above property. An existing 8-inch vitrified clay sanitary sewer line is located within the easement for the abutting property owner at an average depth of 6 feet. The existing water lines are located out in the right-of-way for Hidden Hill Road and Cedar Hill Road.

The Utilities Authority objects to all encroachments on utility easements. However, if the applicant agrees to the following requirements with consent document filed of record on the property for the duration that the private improvements and the encroachment are in place, NUA staff will not oppose a recommendation for approval:

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, retaining wall, gazebo, pool, and/or any other structure if needed to maintain or repair NUA facilities.
3. The property owner will be responsible for the cost to repair or replace any fence, curb, landscaping, retaining wall, gazebo, pool, 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 failure or repair and maintenance of the City's utilities within the easement area.

Please advise if questions arise.

cc: Ken Danner
Ken Komiske
Chris Mattingly
Utilities Folder
Kathryn Walker
Beth Muckala
Sarah Encinias

