



City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: EN-1314-2

File ID: EN-1314-2

Type: Encroachment

Status: Consent Item

Version: 2

Reference: Item No. 20

In Control: City Council

Department: Legal Department

Cost:

File Created: 07/31/2013

File Name: Encroachment 4715 Kensal Rise Place

Final Action:

Title: CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1314-2 FOR LOT 1, BLOCK 3, CARRINGTON PLACE ADDITION, SECTION 8. (4715 KENSAL RISE PLACE)

Notes: ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. EN-1314-2; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 08/13/2013

Agenda Number: 20

Attachments: Clerk Memo Encroachment, Application Packet
McCarty, Consent No. 1314-2, Planning Memo,
Utilities Memo, Public Works Memo, Consents from
Utilities

Project Manager: Leah Messner, Assistant City Attorney

Entered by: denise.johnson@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File EN-1314-2

Body

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by Curtis A. McCarty of C. A. McCarty Construction, LLC, requesting a Consent to Encroach into a utility easement at the above-described property.

DISCUSSION: The application for the Consent to Encroach concerns the encroachment upon a City of Norman utility easement for a portion of the residence under construction at the above address. The mortgage surveyor advises that the structure has encroached approximately two (2) feet in one area and less than six (6) inches in another area. (See Mortgage Inspection Report attached)

Staff has reviewed the application and the "hold harmless" clause. From a legal perspective, it protects the City's concerns with respect to damage to the property owner's property should the City or other authorized entity be required to perform work within its easements.

The benefit to having a consent to encroach on file is that it is evidence of the property owners' understanding that, while the City is allowing them to encroach upon the easement, the City is not liable and will not be responsible for damage to the property owners' property in the event maintenance has to be performed within

the easement.

STAFF RECOMMENDATION: Based upon the above and foregoing, the City Attorney's office is forwarding the above Consent to Encroach for Council consideration.