



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: EN 1617-2

File ID: EN 1617-2 **Type:** Encroachment **Status:** Consent Item

Version: 1 **Reference:** Item 20 **In Control:** City Council

Department: Legal Department **Cost:** **File Created:** 12/02/2016

File Name: Consent to Encroach 417 Nantucket **Final Action:**

Title: CONSENT TO ENCROACHMENT EN-1617-2: FOR LOT 1, BLOCK 9, THE VINEYARD PHASE III, CLEVELAND COUNTY, CITY OF NORMAN, OKLAHOMA A/K/A 417 NANTUCKET BOULEVARD.

Notes: ACTION NEEDED: Motion to approve or reject Consent to Encroachment EN-1617-2; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 12/13/2016

Agenda Number: 20

Attachments: Encroachment, Request Site Plan and Photographs.pdf, City Clerk Memo, Planning Memo, Utilities Memo, Public Works memo, O G & E Letter, Cox Letter, A T & T Letter, ONG Letter, OEC Letter

Project Manager: Leah Messner, Assistant City Attorney

Entered by: jayme.rowe@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File EN 1617-2

Body

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by Bill Fiaconne, owner of 417 Nantucket Boulevard, requesting a Consent to Encroachment into a utility easement at the above-described property.

DISCUSSION: The application for the Consent to Encroachment concerns the encroachment upon a City of Norman ten (10) foot utility easement due to the new home, designed with a twenty (20) foot building line on the west and a twenty-five (25) foot building line on the south, being built on the site. The owner is requesting that the house be allowed to encroach five (5) feet upon the existing ten (10) foot easement for the depth of the house which is forty-five (45) feet along the east property line. The City maintains a sewer line and manhole within the easement but both end well before the requested encroaching house structure.

Staff has reviewed the application and the "hold harmless" clauses. 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 easement.

The benefit to having the consent to encroachment 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 owner's property in the event maintenance has to be performed within the easement.

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