



City of Norman, OK

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

Master

File Number: EN-1314-1

File ID: EN-1314-1

Type: Encroachment

Status: Consent Item

Version: 1

Reference: Item No. 16

In Control: City Council

Department: Legal Department

Cost:

File Created: 09/03/2013

File Name: Encroachment for 2903 Raintree Circle

Final Action:

Title: CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1314-1 FOR LOT 18, BLOCK 2, SMOKING OAKS SOUTH ADDITION, CLEVELAND COUNTY, OKLAHOMA. (2903 RAINTREE CIRCLE)

Notes: ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. EN-1314-1; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 09/10/2013

Agenda Number: 16

Attachments: Clerk Memo Raintree, Request Raintree, Site Plan Raintree, Consent to Encroach Raintree, Memo from Utilities Department Raintree, Planning memo Raintree, Memo from Public Works Raintree, Letters from Utilities Raintree

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-1314-1

Body

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by Mark Krittenbrink of Krittenbrink Architecture LLC on behalf of Jaci Williams, property owner, requesting a Consent to Encroach into a utility easement and a drainage easement at the above-described property.

DISCUSSION: The application for the Consent to Encroach concerns the encroachment upon the City of Norman easements a deck and pool on the south side of the residence and an additional deck on the east and west side of the residence at the above address.

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 Consent specifically includes in the hold harmless clause that the property owner is responsible for any costs to repair the decks and/or pool due to maintenance or repair of the 24" corrugated galvanized metal storm sewer pipe located in the 7.5' drainage easement on the

western side of the lot.

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.

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