



office memorandum

Date: October 26, 2015
To: Brenda Hall, City Clerk
From: Jim Speck, Capital Projects Engineer JS
Re: Consent to Encroach 1516-3
Lot 2, Block 5, Hallbrooke Addition Section 6
(1810 Marymount Road)

The lot located at 1810 Marymount Road (Lot 2, Block 5, Hallbrooke Addition Section 6) has a 20-foot wide utility easement (U/E) located at the rear of the lot. The owner proposes to build a sidewalk and low landscaping wall that would extend 7 feet into the U/E. There is currently an 8-inch sewer main located in the U/E on the adjacent lot. The owner has requested a consent to encroach for the sidewalk and wall.

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, landscaping, building, 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.

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