



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: EN-1415-1

File ID: EN-1415-1

Type: Encroachment

Status: Consent Item

Version: 1

Reference: Item No. 26

In Control: City Council

Department: Legal Department

Cost:

File Created: 08/28/2014

File Name: Consent to Encroachment for 1913 Rosebrook

Final Action:

Title: CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 1415-1 FOR LOT 1, BLOCK 1, BROOKHAVEN NO. 43 ADDITION, CLEVELAND COUNTY, OKLAHOMA (1913 ROSEBROOK COURT)

Notes: ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. EN-1415-1; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 09/09/2014

Agenda Number: 26

Attachments: Clerk Memo Rosebrook.pdf, Consent to Encroach 1415-1.pdf, Application Packet Rosebrook.pdf, Memo from Planning Rosebrook.pdf, Memo from Utilities Dept Rosebrook.pdf, Memo from PW Rosebrook.pdf, Utilities Responses Rosebrooks.pdf

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Effective Date:

History of Legislative File

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

Text of Legislative File EN-1415-1

Body

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by David Williams of David Williams Contracting, requesting Consent to Encroach into a utility and drainage easement at the above-described property.

DISCUSSION: The application for the Consent to Encroach concerns the encroachment upon a City of Norman 10' utility and drainage easement of a portion of driveway at 1913 Rosebrook. The City maintains a 36" reinforced concrete storm sewer main within the 10' utility easement.

A clause has been added to the Consent regarding street and roadside maintenance which may need to be performed in the storm sewer main. Further, the driveway will be inspected and not allowed to block any possible storm water overflow. Further, no above ground structures within the drainage portion of the easement will be allowed.

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 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.