



# City of Norman, OK

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

## Master

**File Number: EN-1314-4**

**File ID:** EN-1314-4

**Type:** Encroachment

**Status:** Consent Item

**Version:** 1

**Reference:** Item No. 18

**In Control:** City Council

**Department:** Legal Department

**Cost:**

**File Created:** 10/08/2013

**File Name:** Encroachment for Independence Valley

**Final Action:**

**Title:** CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1314-4 FOR LOT 1, BLOCK 1, LOTS 1 AND 10, BLOCK 2, AND LOT 1, BLOCK 3, INDEPENDENCE VALLEY ADDITION, SECTION 1. (INTERSECTIONS OF CEDAR LANE AND GLENDALE DRIVE AND CEDAR LANE AND TRUMAN AVENUE)

**Notes:** ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. EN-1314-4; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 10/22/2013

**Agenda Number:** 18

**Attachments:** Clerk Memo Encroachment Independence Valley, Letter of Request Encroachment, Consent to Encroach 1314-4 (Entrance Walls) Intersections Cedar Lane-Glendale-Truman 10-3-13, Planning Approval, Utilities Approval, Public Works memo, Letters 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:
---------------	--------------	-------	---------	----------	-----------	-----------------	---------

### Text of Legislative File EN-1314-4

Body

**BACKGROUND:** An encroachment request has been filed in the office of the City Clerk by Zia Muneer, Attorney for Colony Homes, LLC of the Shaz Investment Group LLC, requesting a Consent to Encroach into a utility easement at the above-described locations.

**DISCUSSION:** The application for the Consent to Encroach concerns the encroachment upon a City of Norman utility easement for the construction of brick entry walls at two entrances into the Independence Valley Addition at the intersections of Cedar Lane and Glendale and Cedar Lane and Truman Avenue. The final plat was approved by Council on September 24, 2013. The consent will not be filed and recorded until the final plat has been filed and recorded.

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.