



office memorandum

Date: April 9, 2014
To: Brenda Hall, City Clerk
From: Jim Speck, Capital Projects Engineer JS
Re: Consent to Encroach 1314-7
Lot 7, Block 1, Brookhaven Addition, Section 2
(245 Olde Brook Court)

The lot located at 245 Olde Brook Court (Lot 7, Block 1, Brookhaven Addition, Section 2) has a platted 17-foot wide utility easement (U/E) along the rear (northern) boundary. The owner requests construction of a swimming pool/spa at the northwest corner of the property within the platted easement. The pool is shown to be installed 6 feet off of the west property line and 4 feet off the north property line with the sketch showing the pool/spa to be located completely within the U/E.

There is currently a manhole located in the northeast corner of the property in the platted U/E. The construction, as shown, is located an acceptable distance from the sewer manhole.

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, pool, 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, 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 a 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