



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: EN-1718-1

File ID: EN-1718-1 **Type:** Encroachment **Status:** Consent Item

Version: 1 **Reference:** Item 20 **In Control:** City Council

Department: Legal Department **Cost:** **File Created:** 07/05/2017

File Name: Consent to Encroach 501 Manor Hill Court **Final Action:**

Title: CONSENT TO ENCROACHMENT EN-1718-1: FOR LOT 9, BLOCK 5, BROOKHAVEN ADDITION, SECTION 33, CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA A/K/A 501 MANOR HILL COURT.

Notes: ACTION NEEDED: Motion to approve or reject Consent to Encroachment EN-1718-1; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 07/11/2017

Agenda Number: 20

Attachments: Consent to Encroach, Memo from City Clerk, Request for Encroachment, Site Plan, Memo from Utilities, Memo from Public Works, Memo from Planning

Project Manager: Kathryn Walker, Assistant City Attorney

Entered by: sencinias@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File EN-1718-1

Body

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by Stephen and Kristy Lewis, owners of 501 Manor Hill Court, requesting a Consent to Encroach into a drainage easement at the above-described property.

DISCUSSION: The application for the Consent to Encroach concerns the encroachment upon a City of Norman ten foot (10') drainage easement due to the proposed driveway. The property owners want to install their concrete driveway in the drainage easement along the north property line. The City currently has a forty-eight (48) inch reinforced concrete storm sewer pipe within this easement.

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 owner's property and the property owner will be responsible for replacement of any concrete within the drainage easement 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.