



City of Norman, OK

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

Text File

File Number: EN-1213-5

Agenda Date: 3/26/2013

Version: 1

Status: Consent Item

In Control: City Council

File Type: Encroachment

Title

CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 1213-5 FOR LOT 12, BLOCK 9, COLLEGE MANOR ADDITION, NORMAN, CLEVELAND COUNTY. (1400 SPRUCE DRIVE)

body

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by Ron and Deanna Eades requesting a Consent to Encroach into a City of Norman 20' utility easement containing an 8" sewer main and manhole for the purpose of building a workshop.

DISCUSSION: The application for a Consent to Encroach concerns the encroachment upon the City of Norman utility easement of an 18' x 18' workshop.

The Eades requested of the Board of Adjustment approve a Variance of approximately 10 feet to the 20 foot platted side yard setback (east side) for the construction of a workshop. On February 27, 2013, at the regularly scheduled meeting of the Board of Adjustment, the Board approved the Variance with the condition that: (1) the Variance is only valid for the life of that workshop; and (2) the fence not be relocated any closer to the property line.

Staff has reviewed the application, the Board of Adjustment approval, 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 easements, the City is not liable and will not be responsible for damage to the property owners' property in the event such 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.