



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: EN-1516-5

File ID: EN-1516-5

Type: Encroachment

Status: Consent Item

Version: 1

Reference: Item No. 13

In Control: City Council

Department: Legal Department

Cost:

File Created: 02/09/2016

File Name: Consent to Encroachment 620 Tulsa Street

Final Action:

Title: CONSENT TO ENCROACHMENT EN-1516-5 FOR THE EAST HALF OF LOT 8, LOTS 9 AND 10, BLOCK 6, SOUTHRIDGE ADDITION, CLEVELAND COUNTY, CITY OF NORMAN, OKLAHOMA. (620 TULSA STREET)

Notes: ACTION NEEDED: Motion to approve or reject Consent to Encroachment EN-1516-5; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 02/23/2016

Agenda Number: 13

Attachments: Consent Form, Letter of Request, Site Plan, Clerk Memo, Planning Memo, Utilities Memo, Public Works Memo, OG&E Letter, ONG Letter, OEC Letter

Project Manager: Leah Messner, Assistant City Attorney

Entered by: jayne.rowe@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File EN-1516-5

Body

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by John H. Ryden, requesting a Consent to Encroachment into a utility easement at the above-described property.

DISCUSSION: The application for the Consent to Encroachment concerns the encroachment of an existing detached garage building at 620 Tulsa Street upon a City of Norman ten foot (10') utility easement. While the entire easement is ten (10') feet wide, only five (5') feet of the easement is on this lot and the other five (5') feet is on the lot adjacent to Mr. Ryden's property. The City maintains an eight inch (8") sewer main within the utility easement on the adjacent lot approximately four feet from the existing structure.

While reviewing this application, staff discovered there are actually two other encroachments for this structure that needed a variance to the setback for the rear property line and a variance to the side yard setback. Mr. Ryden submitted his application to the Board of Adjustment for these variances and his application was approved by the Board of Adjustment on January 27, 2016. Following that approval, Mr. Ryden's Consent to Encroachment was able to go forward.

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. In this specific instance, O G & E has requested additional "hold harmless" clauses be added to the Consent; those paragraphs have been added as Paragraphs 9 and 10 to the Consent.

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 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 Encroachment for Council consideration.