



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: EN-1718-4

File ID: EN-1718-4

Type: Encroachment

Status: Consent Item

Version: 1

Reference: Item 14

In Control: City Council

Department: Legal Department

Cost:

File Created: 12/11/2017

File Name: Consent to Encroach 3501 24th Avenue Northwest

Final Action:

Title: CONSENT TO ENCROACHMENT EN-1718-4: FOR LOT 2, BLOCK 1, UNIVERSITY NORTH PARK PROFESSIONAL CENTER ADDITION, CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA A/K/A 3501 24TH AVENUE N.W.

Notes: ACTION NEEDED: Motion to accept or reject Consent to Encroachment EN-1718-4; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 01/23/2018

Agenda Number: 14

Attachments: City Clerk Memo, Request for Encroachment, Consent 1718-4, Memo from Planning, Memo from Utilities Department, Memo from Public Works Department, Responses from Utility Companies

Project Manager: Kathryn Walker, Assistant City Attorney

Entered by: sencinias@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-1718-4

Body

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by David Allen, D. Signs and Wonders, on behalf of Hunter Miller, Manager and owner of 3501 24th Avenue N.W., 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 upon a City of Norman twenty-five (25') foot utility easement due to a previously constructed sign built on the site. The owner is requesting that the previously constructed sign be allowed to encroach upon the existing utility easement. The City maintains a gravity sewer line within said utility easement along the side (west) lot line on the subject property.

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. There are some conditions applied to this Consent to Encroachment as listed below:

1. The property owners will be responsible for the cost of repairs for any damages to the City's utility easement caused by any excavation or other construction activities conducted on their behalf;
2. The property owners will be responsible for the cost the City incurs to remove any fence, sign, landscaping, curb, building, and/or any other structure if needed to facilitate maintenance or repair of the City's utilities;
3. The property owners will be responsible for the cost to repair or replace any such fence, sign, landscaping, curb, building, and/or any other structure after such repairs; and
4. The property owners waive and release any claims against the City for any damages to the sign, building, and/or any related facilities/improvements caused by failure or repair and maintenance of the City's utilities within the easement area.

The benefit to having the consent to encroachment 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.