



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: EN-1516-6**

**File ID:** EN-1516-6      **Type:** Encroachment      **Status:** Consent Item

**Version:** 1      **Reference:** Item No. 14      **In Control:** City Council

**Department:** Legal Department      **Cost:**      **File Created:** 02/09/2016

**File Name:** Consent to Encroachment 750 Imhoff Road      **Final Action:**

**Title:** CONSENT TO ENCROACHMENT EN-1516-6 FOR LOT 2, BLOCK 1, SHERWOOD SOUTH 2 ADDITION REPLAT, CLEVELAND COUNTY, CITY OF NORMAN, OKLAHOMA. (750 IMHOFF ROAD).

**Notes:** ACTION NEEDED: Motion to approve or reject Consent to Encroachment EN-1516-6; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/23/2016

**Agenda Number:** 14

**Attachments:** Letter of Request, EN-1516-6 Consent, 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-1516-6

Body

**BACKGROUND:** An encroachment request has been filed in the office of the City Clerk by Randy C. Elliott, owner of 750 Imhoff, LLC dba theVUE, requesting a Consent to Encroachment into various utility and drainage easements at the above-described property.

**DISCUSSION:** The application for the Consent to Encroachment concerns the encroachment upon a City of Norman fifteen foot (15') utility easement of a portion of pool equipment, pool deck and concrete paving at 750 Imhoff Road. The City maintains a six inch (6") water main and an eight inch (8") sewer main within the utility 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 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.