



City of Norman, OK

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

Text File

File Number: EN-1213-10

Agenda Date: 4/23/2013

Version: 1

Status: Consent Item

In Control: City Council

File Type: Encroachment

Agenda Number: 23

Title

CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1213-10 FOR LOTS 4 AND 5, BLOCK 1, EMPIRE ADDITION, A REPLAT OF MALONE ADDITION, CLEVELAND COUNTY, OKLAHOMA. (3024 SOUTH CLASSEN BLVD)

Body

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by Bruce Edwards of Dalmarc Enterprises, Inc., on behalf of Circle K Corporation, requesting a Consent to Encroach into a 30' utility easement running in the north-south direction. The easement is located in the western 30 feet of the eastern 40 feet of the lot adjacent to Classen Boulevard. The easement contains a 24-inch and 8 inch sewer main.

DISCUSSION: The application for a Consent to Encroach concerns installation of a permanent pole sign in the utility easement at the Circle K on Classen Boulevard. The owner has proposed to install a sign in accordance with a site plan that shows a five foot separation between the sewer lines and the outermost edge of the concrete footing.

Staff has reviewed the application 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.