



City of Norman, OK

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

Master

File Number: Consent 1213-4

File ID: Consent 1213-4	Type: Encroachment	Status: Consent Item
Version: 2	Reference: Item No. 13	In Control: City Council
Department: Legal Department	Cost:	File Created: 12/12/2012
File Name: Denise Johnson	Final Action:	

Title: CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 1213-4 FOR LOT 5, BLOCK 2, NORTHRIDGE CAMBRIDGE ADDITION, SECTION 8, CLEVELAND COUNTY, CITY OF NORMAN, OKLAHOMA. (4917 CYPRESS LAKE DRIVE)

Notes: ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. 1213-4; and, if approved, direct the filing thereof with the Cleveland County Clerk.

Agenda Date: 12/18/2012

Agenda Number: 13

Attachments: Application Packet, Consent to Encroach 1213-4,
Planning Memo, Public Works Memo, Utilities Memo,
Utility Company Responses

Project Manager: Leah Messner

Entered by: denise.johnson@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 Consent 1213-4

Body

BACKGROUND:

An encroachment request has been filed in the office of the City Clerk by Joe Wishnuck requesting a Consent to Encroach into a City of Norman 10' utility easement at the above-described property.

DISCUSSION:

The property owner requests a Consent to Encroach for a storage building, pool pump, and heating equipment.

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. It is also evidence of the property owner's understanding that the City of Norman, as well as other utility companies, have no liability for any such damage.

When a property owner applies for a Consent to Encroach, the City Clerk's Office forwards the request to public works, utilities, and planning departments for comment. When the Utilities Department initially received the subject consent to encroach, they objected to it as there is an 8" sanitary sewer line located in the easement. The plumbing that is attached to the pool house is directly over the sewer line and immediately adjacent to a manhole. However, after an onsite meeting, the Utilities Department has agreed with the property owner that

the pool equipment and plumbing will be relocated so that there is minimal encroachment into the easement. There will be a permanent gate installed to allow access to the manhole cover. The owner assumes all cost associated with removal and repairs associated with removal of any fence, curb, landscaping, paving, pool equipment, building or any other structure needed to facilitate maintenance and repair of utilities. Further, the property owner will not hold the City liable for any claims for damages caused by the City for repairs to the utilities 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.