



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: EN-1617-1

File ID: EN-1617-1

Type: Encroachment

Status: Consent Item

Version: 1

Reference: Item 18

In Control: City Council

Department: Legal Department

Cost:

File Created: 10/13/2016

File Name: Consent to Encroachment

Final Action:

Title: CONSENT TO ENCROACHMENT EN-1617-1: FOR LOT 14, BLOCK 2, SECTION 2 OF LAS COLINAS ADDITION, CLEVELAND COUNTY, CITY OF NORMAN, OKLAHOMA. (4200 LAS COLINAS LANE.

Notes: ACTION NEEDED: Motion to approve or reject Consent to Encroachment EN-1617-1 for 4200 Las Colinas Drive; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 10/25/2016

Agenda Number: 18

Attachments: EN-1617-1 Consent, Request, Site Plan, City Clerk Memo, Planning Memo, Utilities Memo, Public Works Memo, OG&E Letter, OEC Letter, ONG Letter, AT&T Letter, Cox Letter

Project Manager: Leah Messner, Assistant City Attorney

Entered by: jayme.rowe@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
---------------	--------------	-------	---------	----------	-----------	-----------------	---------

Text of Legislative File EN-1617-1

Body

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by Glenn A. Foster, Jr., on behalf of J. Taylor Hines and Meika Alison Yates Hines, Co-Trustees of The Hines Family Revocable Trust, the owners of 4200 Las Colinas Lane, who are 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 a swimming pool upon a City of Norman fifteen foot (15') utility easement at 4200 Las Colinas Lane. The City maintains a utility easement along the rear (south) lot line on the subject property. The City does not currently have any water or sewer mains within this 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. There are some conditions applied to this Consent to Encroachment as listed below:

- Construction plans for the relocation of the retaining wall from a professional engineer must be submitted to the Public Works Department/Engineering Division for approval prior to the approval of a swimming pool permit.
- The retaining wall must be relocated and constructed prior to the approval of a swimming pool permit.
- The Oklahoma Electric Cooperative electric line must be relocated prior to the approval of a swimming pool permit.

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 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.