



# office memorandum

Date: May 31, 2012  
To: Brenda Hall, City Clerk  
From: Jim Speck, Capital Projects Engineer *JS*  
Re: Consent to Encroach 1112-10  
Lot 20, Block 1, Castlerock Addition Section 3  
4132 Nicole Place

Currently, Lot 20, Block 1, Castlerock Addition Section 3, has multiple utility easements running along the western property line. The owner requests construction of a building, which would be located in one of the platted utility easements labeled as a Continental Pipeline easement recorded in Bk 361, Pg 552. No City utilities are located in the pipeline easement. However, there is a sanitary sewer line located in a 17 foot Utility Easement located to the east and running adjacent to and parallel with the labeled pipeline easement.

The current drawing showing the location of the proposed building has the easements mislabeled. However, the location of the proposed building, as shown, does not encroach into the 17 foot utility easement.

The Utilities Department objects to all encroachments on utility easements unless the applicant agrees to certain requirements being filed of record on the property deed. A recommendation to approve is forwarded only when the applicant agrees to the following:

1. The building is constructed so there is no encroachment into the 17-foot utility easement.
2. The property owner will be responsible for the cost to repair any damages to the City's utilities caused by any excavation or other construction activities conducted by the property owner or his agents.
3. The property owner will be responsible for the cost the City incurs to remove any structure if needed to facilitate maintenance or repair of the City's utilities.
4. The property owner will be responsible for the cost to repair or replace any structure after such repairs.
5. The property owner will waive and release any claims against the City for any damages to the residence and related improvements caused by the City for purposes of maintaining or replacing the City's utilities within the easement area.

The Utilities Department can approve the encroachment application if the above requirements are filed of record on the consent document. Please advise if you have any questions.

Cc: Jeff Bryant  
Ken Danner  
Ken Komiske  
Mark Daniels  
David Hager