



office memorandum

Date: September 26, 2012
To: Brenda Hall, City Clerk
From: Jim Speck, Capital Projects Engineer JS
Re: Consent to Encroach 1213-1
Lot 1, Block 4, Brookhaven, Section 40
(1920 Rosebrook)

The lot located at 1920 Rosebrook (Lot 1, Block 4, Brookhaven, Section 40) has a platted 17-foot wide drainage/utility easement along the western boundary and a 7.5 waterline easement along the northern boundary. The owner requests construction of a driveway on a portion of the 7.5-foot waterline easement and a significant portion of the 17-foot drainage/utility easement. Currently, there is an 8-inch sewer line located within the platted easement. A manhole is located within this easement but is not shown on the drawing provided with the consent request.

The Utilities Department objects to all encroachments on utility easements unless the applicant agrees to certain requirements being filed of record on the consent document. A recommendation to approve is forwarded for construction of a driveway only within the U/E provided the applicant agrees to the following:

1. Provide any modifications that may be required and/or necessary, with approval from the Utilities Department, to the manhole located within the 17-foot drainage/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, piercing 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 fence, curb, landscaping, building, and any other 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 fence, curb, or any other 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 a failure or repair and maintenance of 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