

# office memorandum



**Date:** October 4, 2013

**To:** Leah Messner, Assistant City Attorney

**From:** Ken Danner, Subdivision Development Manager *K.D.*

**Subject:** Consent to Encroach  
Lot 1, Block 1, Lots 1 and 10, Block 2 and Lot 1, Block 3, Independence Valley Addition, Section 1.

The Public Works staff does not oppose the subdivision entry walls crossing the utility easements. The entry walls have been associated with the screening of single family developments where lots back or side a section line road for many years. The Public Works Department/Engineering Division does yield to the Utilities Department for any city-owned utilities that might be located within the easements.

The utility companies that have responded desire a condition on the consent to encroach that they will be held harmless in the course of maintaining their facilities and future facilities.

City Council approved the final plat, at its meeting of September 24, 2013. The public improvements are near completion. However, the final plat has not been filed of record with the Cleveland County Clerk. Although I am not opposed to the submittal of this request, I would recommend that the consent to encroach not be filed until the final plat is recorded.

If you have any further questions, please feel free to contact me.

Reviewed by, Scott Sturtz, City Engineer *SS*  
Reviewed by: Shawn O'Leary, Director of Public Works *SO*

cc: Brenda Hall, City Clerk  
Ken Komiske, Director of Utilities