



# office memorandum

Date: March 6, 2013  
To: Brenda Hall, City Clerk  
From: Jim Speck, Capital Projects Engineer JS  
Re: Consent to Encroach 1213-8  
Lot 3, Block 3, Brookhaven, Section 40  
(2101 Brookhaven Blvd)

The lot located at 2101 Brookhaven Blvd (Lot 3, Block 3, Brookhaven, Section 40) has a platted 10-foot wide utility easement along the eastern boundary and a 7.5 waterline easement along the southern boundary. The owner requests construction of a driveway on a portion of the 7.5-foot waterline easement and a significant portion of the 10-foot utility easement. Currently, there is an 8-inch water line located within the 7.5 platted waterline easement located along the street. No City utilities are located within the 10-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 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. 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.
2. The property owner will be responsible for the cost the City incurs to remove any driveway, fence, curb, landscaping, building, and any other structure if needed to facilitate maintenance or repair of the City's utilities.
3. The property owner will be responsible for the cost to repair or replace any driveway, fence, curb, or any other structure after such repairs.
4. 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