



office memorandum

Date: July 1, 2014
To: Brenda Hall, City Clerk
From: Jim Speck, Capital Projects Engineer JS
Re: Consent to Encroach 1314-8
Lot 3, Block 1, Annatole Addition
(275 12th Avenue SE)

The lot located at 275 12th Avenue SE (Lot 3, Block 1, Annatole Addition) has a platted 15-foot wide utility easement (U/E) that serves a fire hydrant near the center of the property. The owner, during a negotiation to sell the property, had a survey of the property which indicated a building is currently encroaching into the platted easement. Therefore the owner has requested a consent to encroach for the structure.

There is currently a 6-inch water main and fire hydrant located in the U/E directly approximately 3 feet from the building. In the event the fire hydrant or water main fails, the result could have a significant chance of damaging the building.

The Utilities Department preference would for the owner to relocate the fire hydrant and water main at an acceptable distance from the building and provide a new easement as the Utilities Department objects to all encroachments on utility easements. However, should the applicant choose to leave the fire hydrant and water main in its current location, the applicant must agree to certain requirements being filed of record on the consent document. A recommendation to approve is forwarded only when 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 structure, including the 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 any damage to the building, or any other improvements after such repairs.
4. The property owner will waive and release any claims against the City for any damages to the building and related improvements caused by a failure or repair and maintenance of the City's utilities within the easement area.
5. The consent document must be filed of record by the current owner prior to the property being transferred to another entity and/or individual.

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