



office memorandum

Date: January 24, 2013
To: Brenda Hall, City Clerk
From: Jim Speck, Capital Projects Engineer JS
Re: Consent to Encroach 1213-5
Lot 12, Block 9, College Manor Addition
(1400 Spruce Drive)

The lot located at 1400 Spruce Drive (Lot 12, Block 9, College Manor Addition) has a platted 20-foot wide utility easement (U/E) along the rear (southwestern) boundary. The owner requests construction of a 18' by 18' building that would extend into the U/E along the southwest property line. The building is shown to be installed adjacent to the southeast property line, and would encroach five (5) feet into the U/E.

There is an 8-inch sewer main & manhole located in the U/E at the western corner of the U/E. However, the sewer line does not extend through the entire U/E and terminates at an acceptable distance from the site of the proposed building.

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 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 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 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