



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: EN-1516-7

File ID: EN-1516-7

Type: Encroachment

Status: Consent Item

Version: 1

Reference:

In Control: City Council

Department: Legal Department

Cost:

File Created: 08/01/2016

File Name: Encorachment for 628 Summit Crest Lane

Final Action:

Title: CONSENT TO ENCROACHMENT EN-1516-7: FOR LOT 20, BLOCK 3, SUMMIT LAKES ADDITION, SECTION 7, CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA. (628 SUMMIT CREST LANE.

Notes: ACTION NEEDED: Motion to approve or reject Consent to Encroachment EN-1516-7; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 08/09/2016

Agenda Number:

Attachments: Encroachment, Letter of Request, Site Plan, City Clerk Memo, Planning Memo, Public Works Memo, Utilities Memo, OG&E Letter, OEC Email, ONG Letter, AT&T Letter, Cox Letter

Project Manager: Kathryn Walker, Assistant City Attorney

Entered by: jayme.rowe@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
---------------	--------------	-------	---------	----------	-----------	-----------------	---------

Text of Legislative File EN-1516-7

Body

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by Ryan and Lisa Braden, owners of 628 Summit Crest Lane, requesting a Consent to Encroachment into a utility easement at the above-described property.

DISCUSSION: The application for the Consent to Encroachment concerns the encroachment of a block retaining wall (not to exceed 24 inches tall) and a six (6) foot wood fence upon a City of Norman ten foot (10') utility easement at 628 Summit Crest Lane. The City maintains two (2) utility easements on the subject lot. There is a ten (10) foot utility easement along the northeast property line and another ten (10) foot utility easement along the rear (south) property line. The property owners want to install their retaining wall and fence in the utility easement along the northeast property line. While the City does not currently have any water or sewer mains within this easement, an eight (8) inch sewer line lies in the easement along the south property line.

Staff has reviewed the application and the "hold harmless" clauses. From a legal perspective, it protects the

City's concerns with respect to damage to the property owner's property should the City or other authorized entity be required to perform work within its easement.

The benefit to having the consent to encroachment on file is that it is evidence of the property owners' understanding that, while the City is allowing them to encroach upon the easement, the City is not liable and will not be responsible for damage to the property owner's property in the event maintenance has to be performed within the easement.

RECOMMENDATION: Based upon the above and foregoing, the City Attorney's office is forwarding the above Consent to Encroachment for Council consideration.