



Date: July 29, 2013  
To: Brenda Hall, City Clerk  
From: Jim Speck, Capital Projects Engineer JS  
Re: Consent to Encroach 1314-1  
Lot 18, Block 2, Smoking Oaks South Addition  
(2903 Raintree Circle)

The lot located at 2903 Raintree Circle (Lot 18, Block 2, Smoking Oaks South Addition) has a platted variable width utility easement (U/E) crossing the rear (southeastern) portion of the lot. The owner wishes to construct a deck which would encroach 10 to 15 feet into the easement. Therefore the owner has requested a consent to encroach for the deck.

There is an 8-inch sewer main located in the U/E. The proposed deck would completely cover approximately 40 feet of the sanitary sewer line. The construction of the deck would require setting piers and/or posts to support the deck which would be in close proximity to the sewer line.

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, deck, 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, landscaping, deck, building 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 for a deck only 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