



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Text File

File Number: EN-1112-10

---

**Introduced:** 6/29/2012

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Encroachment

Title

CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1112-10 FOR LOT 20, BLOCK 1, CASTLEROCK ADDITION, SECTION 3. (4132 NICOLE PLACE)

**ACTION NEEDED:** Motion to approve or reject Consent to Encroachment No. EN-1112-10; and, if approved, direct the filing thereof with the Cleveland County Clerk Clerk.

**ACTION TAKEN:** \_\_\_\_\_

Body

**BACKGROUND:** An encroachment request has been filed in the office of the City Clerk by Mr. Craig Parrott requesting a Consent to Encroach upon a City of Norman utility easement for a portion of concrete slab and garage on the referenced property.

**DISCUSSION:** The application for the consent to encroach concerns the encroachment upon a City of Norman utility easement for a portion of concrete slab and garage. The easement to be encroached upon is a 50' wide easement purposed and used as a Conoco pipeline easement only. The pipeline was purged and abandoned in 2004. The proposed concrete slab and garage would not extend beyond the boundaries of the 50' Conoco easement. A Release of Right-of-Way Agreement was filed in Book 3885 at pages 1180-1182 on September 3, 2004 by Conoco. There are no other utilities in that easement. However, because the easement is noted on the plat as a general utility easement, rather than solely dedicated as a pipeline easement, this Consent to Encroach has been requested in order to ensure compliance with City of Norman requirements.

Further review of the location map indicates two other structures that violate the various easements contained in this property. There is a concrete pad located in the northwest corner of the ONG 40' right-of-way and a portion of a frame and wood floor shed located in the 40' utility easement. These additional structures are included in this Consent to clear any title issues.

Staff has reviewed the application and the "hold harmless" clause. 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 entities be required to perform work within its easements.

The benefit of having a Consent to Encroach on file is that it is evidence of the property owners' understanding that, while the City is allowing them to encroach upon the easements, the City is not liable and will not be responsible for damage to the property owners' property in the event such maintenance has to be performed within the easements.

**STAFF RECOMMENDATION:** Based upon the above and foregoing, the City Attorney's office is forwarding the above Consent to Encroachment No. EN-1112-10 for Council consideration.