



office memorandum

Date: October 2, 2013
To: Brenda Hall, City Clerk
From: Jim Speck, Capital Projects Engineer *JS*
Re: Consent to Encroach 1314-4
Lot 1, Block1; Lots 1 and 10, Block 2; and Lot 1, Block 3; Independence Valley Addition
(Two entrances off Cedar Lane at Glendale and Truman)

The developer of Lot 1, Block1; Lots 1 and 10, Block 2; and Lot 1, Block 3; Independence Valley Addition proposes to construct entrance signs in four locations.

The sign at the southwest corner of Cedar Lane and Glendale is proposed to be constructed completely within an existing 25 foot Utility Easement (U/E) and on top of a new 24" sanitary sewer line, which is approximately 15 feet deep. The sign at the southeast corner of Cedar Lane and Glendale and the southeast corner of Cedar Lane and Truman is proposed to be constructed completely within a 25 foot U/E but is not proposed to be located on top of any City water or sewer mains. The sign at the southwest corner of Cedar Lane and Truman is proposed to be constructed outside any Utility Easement (U/E).

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 and/or Shaz Investment Group, LLC 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, Colony Homes, LLC, or their agents.
2. The property owner and/or Shaz Investment Group, LLC will be responsible for the cost the City incurs to remove any fence, curb, landscaping, paving, sign, building, or any other structure if needed to facilitate maintenance or repair of the City's utilities.
3. The property owner and/or Shaz Investment Group, LLC will be responsible for the cost to repair or replace any fence, curb, landscaping, paving, sign, building, or any other structure after such repairs.
4. The property owner and/or Shaz Investment Group, LLC will waive and release any claims against the City for any damages to the building/s 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