



office memorandum

Date: November 14, 2012
To: Brenda Hall, City Clerk
From: Jim Speck, Capital Projects Engineer JS
Re: Consent to Encroach 1213-3
Lot 1, Block 1 Park Place Addition Section 7(1431 Spoonwood Drive)

Lot 1, Block 1 Park Place Addition Section 7 (1431 Spoonwood Drive) has a 25 foot Utility Easement (U/E) located along the northern boundary adjacent to Rock Creek Road. There is currently an 8 inch sanitary sewer located within the easement that is approximately 10 feet deep.

Colony Homes, LLC proposes to construct an entry sign within the 25' U/E that would be located in very close proximity to the existing sewer line. As proposed, the entry sign would require excavation to install a footing that appears to be located either on top or within a foot of the existing 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 and/or Colony Homes, LLC agrees to locate the exact location of the existing sewer line and construct the entry sign at a minimum distance of 5 feet from the existing sewer line.
2. The property owner and/or Colony Homes, 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.
3. The property owner and/or Colony Homes, LLC will be responsible for the cost the City incurs to remove any fence, curb, landscaping, paving, loading dock, building, or any other structure if needed to facilitate maintenance or repair of the City's utilities.
4. The property owner and/or Colony Homes, LLC will be responsible for the cost to repair or replace any fence, curb, landscaping, paving, loading, dock, building, or any other structure after such repairs.
5. The property owner and/or Colony Homes, 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