



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: EN-1617-3**

**File ID:** EN-1617-3                      **Type:** Encroachment                      **Status:** Consent Item

**Version:** 1                                      **Reference:** Item 16                                      **In Control:** City Council

**Department:** Legal Department                      **Cost:**                                      **File Created:** 03/13/2017

**File Name:** Consent to Encroach 2109 Brookhaven Blvd                      **Final Action:**

**Title:** CONSENT TO ENCROACHMENT EN-1617-3: FOR LOT 1, BLOCK 3, BROOKHAVEN NO. 40 ADDITION, CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA A/K/A 2109 BROOKHAVEN BOULEVARD.

**Notes:** ACTION NEEDED: Motion to approve or reject Consent to Encroachment EN-1617-3; and, if approved, direct the filing thereof with the Cleveland County Clerk.

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

**Agenda Date:** 03/28/2017

**Agenda Number:** 16

**Attachments:** Consent to Encroach, Clerk Memo, Request for Encroachment, Memo from Planning, Memo from Utilities, Memo from PW, Responses from Utility Companies

**Project Manager:** Leah Messner, Assistant City Attorney

**Entered by:** ellen.usry@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File EN-1617-3

Body

**BACKGROUND:** An encroachment request has been filed in the office of the City Clerk by Evan Nixon, 1st Vice-President of Builders' Association of South Central Oklahoma, owner of 2901 Brookhaven Boulevard, requesting a Consent to Encroach into a utility easement at the above-described property.

**DISCUSSION:** The application for the Consent to Encroach concerns encroachment upon a City of Norman ten (10) foot utility easement due to the proposed driveway. The owner is requesting that the driveway be allowed to encroach ten (10) feet upon the existing northern boundary of the ten (10) foot easement.

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 encroach 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 Encroach for Council consideration.