



Date: April 4, 2013
To: Brenda Hall, City Clerk
From: Jim Speck, Capital Projects Engineer JS
Re: Consent to Encroach 1213-10
Lots 4 & 5, Block 1, Empire Addition
(3024 South Classen Blvd)

Lots 4 & 5, Block 1, Empire Addition (3024 South Classen Blvd) has a platted 30-foot utility easement (U/E) running in a northerly-southerly direction. The easement is located in the western 30 feet of the eastern 40 feet of the lot adjacent to Classen Blvd. The owner has proposed to install a sign within this easement and has requested a Consent to Encroach for the sign.

Currently, there is an 24-inch and 8-inch sewer main located within the U/E. The owner has requested the sign to be built in accordance with a site plan that shows a five foot separation between the sewer lines and the outermost edge of the concrete footing.

The Utilities Department objects to all encroachments on utility easements unless the applicant agrees to certain requirements being filed of record on the property deed. 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, 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 the sign 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 the sign and any other structure after such repairs.
4. The property owner will waive and release any claims against the City for any damages to the related improvements caused by the City for purposes of maintaining or replacing 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: Ken Danner
Ken Komiske
Mark Daniels
David Hager