




Date: October 9, 2018  
To: Brenda Hall, City Clerk  
From: Charlie Thomas, P.E., Capital Projects Engineer   
Subject: Consent to Encroach EN-1819-3  
(3401 W Tecumseh Road)

A standard fifteen foot (15') utility easement (U/E) lies along a portion of the front (south) lot line of subject property. No water or sewer utilities currently exist within the U/E. However, in this rapidly developing commercial area, improvements and additions quite likely will be required in the future. The property owner wishes to encroach into, and consume the U/E for an existing sign previously installed without approval.

The Utilities Authority objects to all encroachments on utility easements. However, if the applicant agrees to certain requirements staff will not oppose a recommendation for approval. Recommend following be filed of record on the consent document:

1. The property owner 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 or his agents.
2. The property owner will be responsible for the cost the City incurs to remove any signs or signage, fence, curb, landscaping, building, or any other structure, including signs or parts thereof, if needed to install new or facilitate maintenance or repair of any or all City utilities.
3. The property owner will be responsible for the cost to, repair or replace any fence, curb, landscaping, building, or any other structure after such installation or repairs.
4. Alternatively, the property owner may, at no cost to the City, provide a substitute easement satisfactory to the City and to its' contractor, if applicable.
5. The property owner will waive and release any claims against the City for any damages to the sign or any facility and/or related improvements caused by installation, failure or repair and maintenance of the City's utilities within the easement area.

Please advise if questions arise.

cc: Ken Danner  
Utilities folder  
Jeff Bryant

office memorandum