

## CONSENT

Consent to Encroachment No. EN-1819-3

WHEREAS, the City of Norman, Cleveland County, is in possession of a utility easement on the land described as follows, to-wit:

Lot 1, Block 1, Section 2 of the Carroll Farm Addition, City of Norman,  
Cleveland County, Oklahoma a/k/a 3401 West Tecumseh Road;

AND WHEREAS, the owner(s) of the above-described property requests that a previously constructed monument sign be allowed to encroach upon an existing utility easement;

AND WHEREAS, the City has been requested to consent in writing to a previously constructed monument sign being located at the requested location;

NOW, THEREFORE, the City of Norman does hereby consent to said previously constructed monument sign being within and upon the utility easement with the following conditions:

1. The property owner(s) 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(s) or their agents; and
2. The property owner(s) 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; and
3. The property owner(s) 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(s) 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(s) will waive and release any claims against the City for any damages to the previously constructed monument 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.
6. Oklahoma Natural Gas has a utility located in the easement however they are not opposed to the encroachment, subject to payment by the owner(s) for the

The City of Norman  
Post Office Box 370  
Norman, OK 73070

relocation of their gas line in the area. Also, AT&T Oklahoma has cautioned that they have a fiber cable within the utility easement and request any relocation of the gas main be coordinated with them.

7. By encroaching on said easement, the property owner(s) release Oklahoma Gas & Electric, Oklahoma Electric Cooperative, Oklahoma Natural Gas, AT&T Oklahoma, and Cox Communications, Inc., for any damages caused by any excavation by these utility companies for purposes of maintaining or replacing the City's utility facilities within the easement area.
8. Damages to Oklahoma Gas & Electric, Oklahoma Electric Cooperative, Oklahoma Natural Gas, AT&T Oklahoma, and Cox Communications, Inc. facilities resultant from any current/future construction may carry possible financial charges to the property owners.

The consent is limited to the previously installed monument sign as indicated in the application being located within the utility easement and the City does not authorize or consent to the construction or location of any other structure of a permanent nature within the easement. Further, this Consent is given with the understanding that the property owner(s) is responsible for any and all direct and consequential damages resulting from the granting of this consent with entry to or upon the existing utility easement as required at any time in the future.

The City, or any other entity so authorized, shall not be held responsible for any and all direct or consequential damages to encroaching improvements resulting from entry, by the City, or any other entity so authorized, upon said utility easement, for any purpose associated with the maintenance, construction, relocation, etc. of any utility located within the said easement.

IN WITNESS WHEREOF, the undersigned has executed this consent this \_\_\_\_\_ day of October, 2018.

THE CITY OF NORMAN, OKLAHOMA

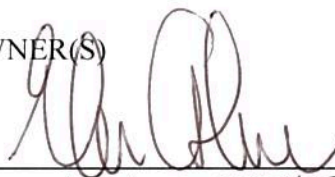
\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

OWNER(S)

By:



~~Ashmore Investments, LLC~~  
3401 W. Tecumseh Road

MT: Princeton LLC

Oklahoma  
COUNTY OF ~~CLEVELAND~~  
STATE OF OKLAHOMA ) ss:  
)

On this 15<sup>th</sup> day of October, 2018, → Mt Princeton  
Glenn A. Ashmore of ~~Ashmore Investments~~, LLC, to me known to be the identical  
person(s) who executed the same as his/her free and voluntary act and deed for the uses and  
purposes therein set forth.

Witness my hand and official seal the day and year last above written.

Sandy Pembroke  
Notary Public

My Commission Expires: 12.21.18

My Commission Number: 06012052

