



## Legislation Details (With Text)

**File #:** EN-1617-3    **Version:** 1    **Name:** Consent to Encroach 2109 Brookhaven Blvd  
**Type:** Encroachment    **Status:** Passed  
**File created:** 3/13/2017    **In control:** City Council  
**On agenda:** 3/28/2017    **Final action:** 3/28/2017  
**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.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Text File Encroach, 2. Consent to Encroach, 3. Clerk Memo, 4. Request for Encroachment, 5. Memo from Planning, 6. Memo from Utilities, 7. Memo from PW, 8. Responses from Utility Companies

Date	Ver.	Action By	Action	Result
3/28/2017	1	City Council		

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.

**BACKGROUND:** An encroachment request has been filed in the office of the City Clerk by Evan Nixon, 1<sup>st</sup> 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.