



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Legislation Text

File #: EN-1718-1, **Version:** 1

CONSENT TO ENCROACHMENT EN-1718-1: FOR LOT 9, BLOCK 5, BROOKHAVEN ADDITION, SECTION 33, CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA A/K/A 501 MANOR HILL COURT.

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by Stephen and Kristy Lewis, owners of 501 Manor Hill Court, requesting a Consent to Encroach into a drainage easement at the above-described property.

DISCUSSION: The application for the Consent to Encroach concerns the encroachment upon a City of Norman ten foot (10') drainage easement due to the proposed driveway. The property owners want to install their concrete driveway in the drainage easement along the north property line. The City currently has a forty-eight (48) inch reinforced concrete storm sewer pipe within this 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 and the property owner will be responsible for replacement of any concrete within the drainage easement 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.