



# City of Broken Arrow

## Legislation Details (With Text)

**File #:** 16-1258 **Name:**  
**Type:** Consent Item **Status:** Passed  
**File created:** 10/10/2016 **In control:** Broken Arrow City Council  
**On agenda:** 10/18/2016 **Final action:** 10/18/2016

**Title:** Approval of public easement encroachment release of liability agreement for Robyn L. Green, one-half mile south of Washington Street, one-half mile east of Aspen Avenue at 1503 W. Canton Place

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2-PUBLIC EASEMENT ENCREACHMENT RELEASE OF LIABILITY AGREEMENT.pdf, 2. 3-AERIAL.PUBLIC EASEMENT ENCROACHMENT.pdf, 3. 4-ASPEN POND PLAT.pdf, 4. 5-EMAIL FROM BARNEY CAMPBELL.pdf

Date	Ver.	Action By	Action	Result
10/18/2016	1	Broken Arrow City Council	approved	Pass

**Broken Arrow City Council**  
**Meeting of: 10-18-2016**

**To:** Mayor and City Council Members  
**From:** Development Services Department  
**Title:**

**Approval of public easement encroachment release of liability agreement for Robyn L. Green, one-half mile south of Washington Street, one-half mile east of Aspen Avenue at 1503 W. Canton Place**

**Background:**

The property owner at 1503 W. Canton Place is in the process of constructing a koi pond and associated fountain in their back yard. The site is located one-half mile south of Washington Street, one-half mile east of Aspen Avenue in the Aspen Pond addition.

Unbeknownst to the property owner, the koi pond and fountain were being constructed in a 17.5-foot wide utility easement along and adjacent to the south property line of their property. An 8-inch sanitary sewer line is located in this easement along with other utilities. Staff has inspected the site and has recommended to the property owner that they enter into a public easement encroachment release of liability agreement with the City of Broken Arrow. This agreement, which does not close the utility easement, allows the koi pond and fountain to remain in the easement, but with the understanding that the property owner agrees to waive all claims from any damages arising from the construction, repair, or maintenance of utilities within the easement.

The agreement has been signed by the property owner. The release of liability agreement has also been signed off by all the utility companies.

**Cost:** None

**Prepared By:** Brent D. Murphy, Senior Planner

**Reviewed By:**        **Development Services Department**  
                             **Assistant City Manager-Operations**  
                             **Legal Department**

**Approved By:**        **Michael L. Spurgeon, City Manager**

**Attachments:**       **Public Easement Encroachment Release of Liability Agreement**  
                             **Aerial**  
                             **Aspen Pond plat**  
                             **Email from Barney Campbell**

**Recommendation:** Approve public easement encroachment agreement release of liability agreement.