



City of Broken Arrow

Request for Action

File #: 16-1258, Version: 1

**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**

File #: 16-1258, **Version:** 1

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