



# *MEMO*

**TO:** Mayor Hahs and Members of the Board  
**FROM:** Larry Miller, Building & Planning Manager  
**DATE:** April 2, 2026  
**SUBJECT:** Authorization to Execute and Record Easement Encroachment Acknowledgment Documents

---

## **Background**

The City's current zoning regulations allow certain improvements, such as fences and concrete slabs, to be installed within utility and drainage easements. When these improvements are proposed, the staff provides the property owner with written notice explaining that the City or utility providers may remove the fence or concrete if access to the easement is required, and that replacement of the improvement is the property owner's responsibility.

This notice is provided only to the current owner and is not recorded. As a result, future purchasers may be unaware of the encroachment and the associated responsibilities.

## **Proposal**

Staff recommends establishing a standardized Easement Encroachment Acknowledgment document that:

- Confirms the property owner's request to place a fence or concrete slab within an easement.
- States that the City or utility provider may remove the improvement at any time to access the easement.
- Clarifies that the property owner is responsible for the replacement of the improvement.
- Is signed by the Building & Planning Manager on behalf of the City.

- Is recorded with the Cape Girardeau County Recorder of Deeds so that the document becomes part of the property record and is disclosed to future owners.

Approval of this item may be granted by a simple majority (5 of 8 votes).