




# office memorandum

Date: April 30, 2024

To: Brenda Hall, City Clerk

From: Nathan Madenwald, Utilities Engineer 

Subject: Consent to Encroach 2324-5  
(5512 36<sup>th</sup> Avenue NW – Lot 10 Block 7, Marlatt Addition)

An existing platted utility easement lies along the west side of the subject property. The applicant is requesting encroachment into the west utility easement for construction of a metal building (80 feet by 40 feet).

Currently, there are no City utilities within the platted easement. However, the Marlatt Addition is not currently served with City sanitary sewer. Previous requests for sewer assessment districts have been received but none have proceeded through to design or completion. Preliminary sewer alignments include a potential sanitary sewer within said easement.

The Norman Utilities Authority (NUA) objects to all encroachments in utility easements. However, if the applicant agrees to the following requirements with consent document filed of record on the property for the duration that the encroachment is in place, NUA staff will not oppose a recommendation for approval:

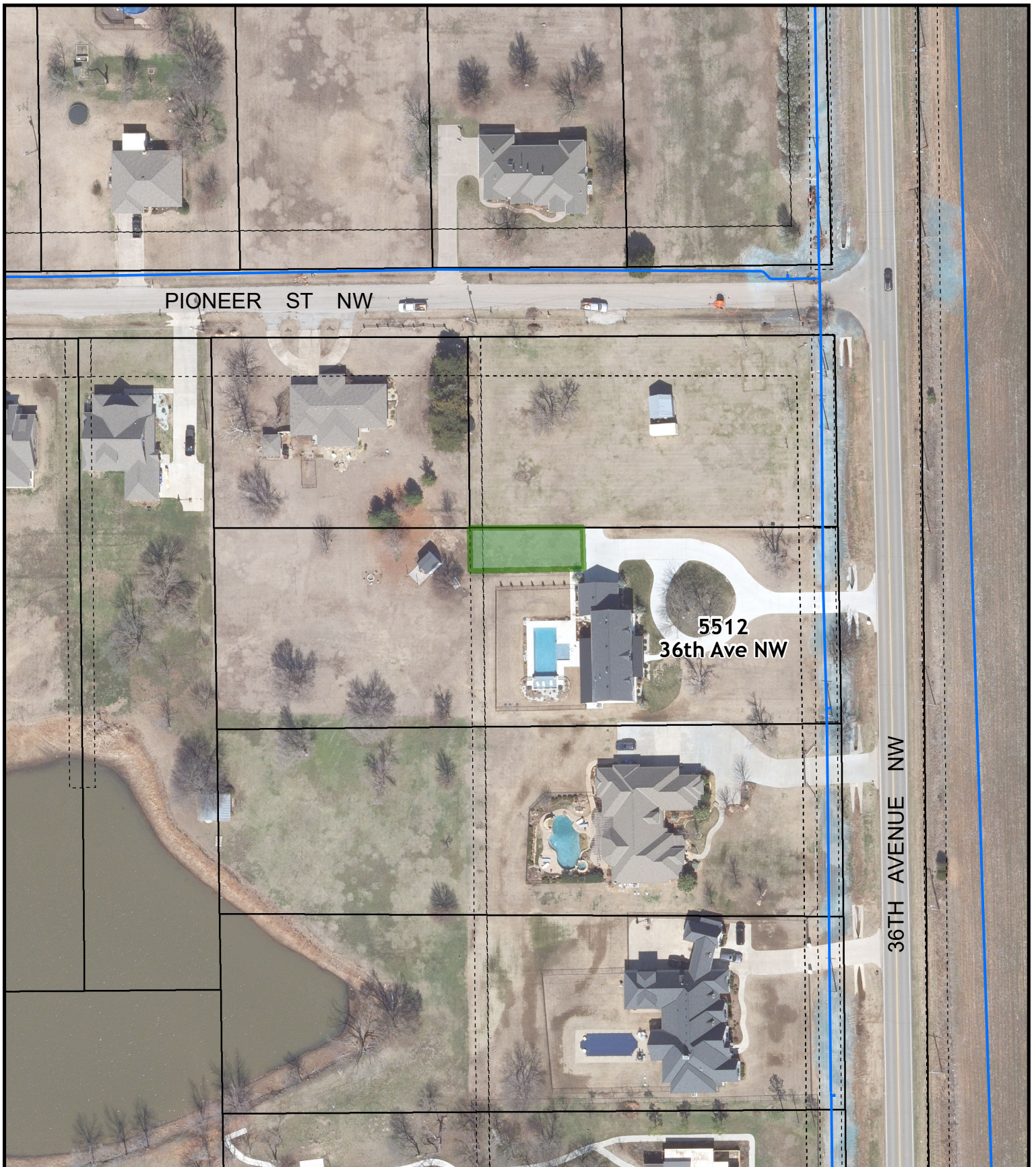
1. The property owner will be responsible for the cost to repair any damages to the City's utilities caused by any excavation or other construction activities conducted by the property owner or his agents.
2. The property owner shall construct the proposed metal building precisely as depicted in this application, and according to future permits, which shall be maintained, and shall make no alterations to said proposed metal building without further review and approval by the City and/or NUA.
3. At the City's sole discretion the property owner will be responsible for the cost the City incurs to remove any improvements or structure if needed to maintain, repair, or install NUA facilities in the existing easement or provide satisfactory additional easement at no cost to the City or other entity installing a sewer line for public dedication. The Owner acknowledges that where the City, in its sole discretion, deems a revised sewer alignment unfeasible, provision of easement may not be a satisfactory solution, and may necessitate removal of a portion or all of the building.
4. Where the City, in its sole discretion, determines to and is able to revise sanitary sewer alignment to route around the proposed metal building, the reasonably necessary costs of said rerouting shall be borne by the property owner (at this time, said costs are approximately \$43,700 in 2024 dollars but actual construction costs, whether lower or higher than the estimated cost, will be required to be paid or will be assessed against the property in accordance with applicable law).
5. Where the City, in its sole discretion, determines the need to remove a portion or all of said proposed metal building, the City shall bear no responsibility for damages for the loss or replacement or said proposed metal building. Instead, the property owner shall be solely responsible for the cost to repair or replace any improvements or structure after any utility repairs, maintenance or installation by the City or NUA. The Owner acknowledges that the City, in its sole discretion, may determine those areas of the originally platted easement in which the proposed metal building, or any portion of it, cannot be reconstructed.
6. The property owner will waive and release any claims against the City for any damages to the residence and related improvements (up to and including entire loss of the proposed improvements) caused by failure or repair, maintenance, and installation of utilities within the easement area for public dedication.

Please advise if questions arise.

Attachments: Map of Water and Sewer Infrastructure and Proposed Encroachment  
January 3, 2024 Consent to Encroachment No. 2324-5 Memo from City Clerk  
Final Plat – Marlatt Addition

cc: Ken Danner  
Kathryn Walker  
Beth Muckala  
Sarah Encinias  
Chris Mattingly





## Consent to Encroach: 2324-05



Map Produced by the City of Norman  
Geographic Information System.

The City of Norman assumes no  
responsibility for errors or omissions  
in the information presented.

0 50 100 150 Feet

April 30, 2024

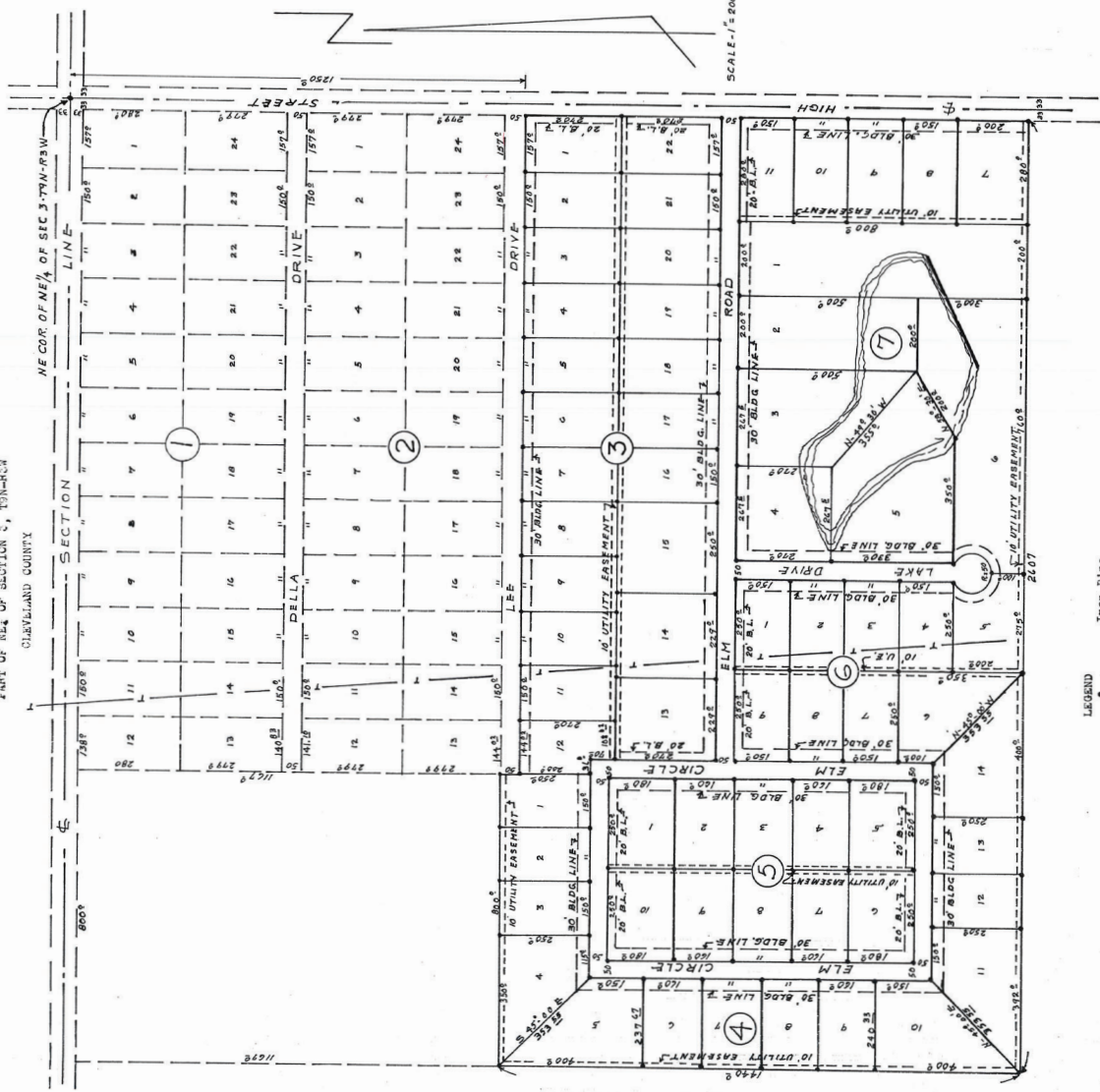


- Water Mains
- SS Force Main
- SS Gravity Main
- Consent To Encroach
- Parcel Boundary
- Easement



BLOCKS 3, 4, 5, 6 & 7  
MARLATT SUBDIVISION  
PART OF NE 1/4 OF SECTION 5, T3N-R3W  
CLEVELAND COUNTY

BLOCKS 3, 4, 5, 6 & 7  
MARLATT SUBDIVISION  
PART OF NE 1/4 OF SECTION 5, T3N-R3W  
CLEVELAND COUNTY, OKLAHOMA



LEGEND  
Iron Pipe  
This Addition  
Building Lines  
Subdivision Lines  
Adjoining Additions

OWNER'S CERTIFICATION & DEDICATION:

We, Everett L. Marlatt & Della J. Marlatt, (husband & wife), owners of that part of the NE 1/4 of Section 5, T3N-R3W of I.M. described as follows: beginning at a point 1250 feet South of the NE Corner of said NE 1/4; thence West 1334.02 ft.; thence North 50 ft.; thence West 800 ft.; thence South 1440 ft.; thence East 2640 ft.; thence North 1390 ft. to the point of beginning; do hereby certify that we are the owners of and the only persons who have any right, title or interest in the land described above and as shown on the Amended Map; that said Map is a correct survey of said property made with our consent; that we do hereby dedicate to the public, use of all streets as shown on the Amended Map; that we do hereby guarantee a clear title to the land so dedicated from ourselves, our heirs or assigns forever.

Witness our hands and seals this 3rd day of November, 1969

*Everett L. Marlatt*  
*Della J. Marlatt*

STATE OF OKLAHOMA }  
COUNTY OF CLEVELAND }

Before me, Vera M. Burnett, the undersigned, a Notary Public in and for said County & State on this 3rd day of November, 1969, personally appeared Everett L. Marlatt & Della J. Marlatt (husband & wife), to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary acts and deeds for the uses and purposes herein set forth.

Witness my hand and seal the date last above written.

*Vera M. Burnett*  
Notary Public

My commission expires October 28, 1962

SURVEYOR'S CERTIFICATE:

I, E.H. Durkee, the undersigned, do hereby certify that I am by profession a surveyor, and that the Amended Map of Blocks 3, 4, 5, 6 & 7 of the MARLATT SUBDIVISION correctly represents a survey made under my supervision of October 2, 1969, and that all monuments shown thereon actually exist and their position correctly shown.

*E.H. Durkee*  
E.H. Durkee, Surveyor

Subscribed and sworn to before me this 3rd day of November, 1969.

*Vera M. Burnett*  
Notary Public

My commission expires October 28, 1962

STATE OF OKLAHOMA  
COUNTY OF CLEVELAND  
FILED FOR RECORD  
Nov 4 1969 at 4:32 PM  
Helen J. Gandy, Clerk  
By *Edith Nell*  
10,437