

PROCEDURE FOR A LICENSE TO ENCROACH UPON A PUBLIC UTILITY EASEMENT

- A. An application for a License to Encroach upon a public utility easement by the City of College Station must be made pursuant to the procedure described below in order to get a request before the City Council. The application should insure that all stipulations and instructions outlined herein have been complied with prior to submission of the final application for action by the City Council of the City of College Station.
1. Application required

Attached to this information sheet is an application form for encroachment upon a public utility easement.
 2. Submission deadline

The application must be completed and returned to the Planning and Development Services Department. The Planning and Development Services Department will circulate the application among the various City departments for review and approval. After all City departments have executed the application, the Engineering Department will place the application on the next Council agenda. The City Council holds regular sessions on the second and fourth Thursdays of the month at 7:00 p.m. An applicant may attend the meeting, if desired. The item will be presented by the staff. After Council consideration of the request, the applicant will be notified of the action taken by the Council relative to the encroachment request.
 3. Exhibits
 - a. Exhibit No. 1

You must provide, attached to the application, two sealed copies of the metes and bounds description of that portion of the public utility easement sought to be encroached upon, prepared by a Registered Public Surveyor. Please note, an employee of the Engineering Department, by law, cannot prepare legal descriptions for you.
 - b. Exhibit No. 2

You must provide, attached to the application, two copies of a plat or detailed sketch of the easement proposed to be encroached upon. Again, this item is most easily furnished by a licensed land surveyor. It must clearly show the surrounding areas to the nearest streets in all directions, abutting lots, and the block or blocks in which the area sought to be encroached upon is located. It shall also show the names of the record owners of the lots abutting the area sought to be encroached.
 - c. Exhibit No. 3

Exhibit No. 3 must be executed by the various utility companies shown. As applicant you are responsible for circulating the application and securing the signatures of the authorized representatives.
 - d. Exhibit No. 4

Exhibit No. 4 must be executed by the various City of College Station staff. The Planning and Development Services Department will be responsible for circulating the application amongst the City departments.
 - e. Exhibit No. 5

Exhibit No. 5 constitutes the consent of the abutting property owners (other than the applicant) to the encroachment. The full names, addresses and signatures are required for all who consent to the requested encroachment. The names and addresses of those who cannot be contacted should appear under Item No. 6 on with the appropriate explanation made.
- B. In the preparation of your application, should you encounter any problems or have questions, the answers to which you are unable to find in this information sheet, please do not hesitate to contact the Planning and Development Services Department for assistance.
- C. By Council Resolution No. 8-23-01-11.6, the fee for an application has been set at \$827.01, which is non-refundable. Applications are reviewed for completeness within ten (10) days of the application deadline. If incomplete, the applicant will be notified of the information needed to complete the application. If the application is not completed within forty-five (45) days of the original submittal being deemed incomplete, the application will expire and the application fee forfeited.

FOR OFFICE USE ONLY

CASE NO.: _____
DATE SUBMITTED: _____
TIME: _____
STAFF: _____

LICENSE TO ENCROACH APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS:

- License to Encroach Application Fee. **(Refer to the Planning and Development Fee Schedule for all applicable fees)**
- Application completed in full. This application form provided by the City of College Station must be used and may not be adjusted or altered. Please attach pages if additional information is provided.
- All exhibits processed (except for Exhibit No. 4 which will be processed by staff).

LOCATION OF PUBLIC UTILITY EASEMENT BEING ENCROACHED UPON (include legal description):

APPLICANT/PROJECT MANAGER'S INFORMATION (Primary contact for the project):

Name _____ E-mail _____
Street Address _____
City _____ State _____ Zip Code _____
Phone Number _____ Fax Number _____

PROPERTY OWNER'S INFORMATION (ALL owners must be identified. Please attach an additional sheet for multiple owners):

Name _____ E-mail _____
Street Address: _____
City _____ State _____ Zip Code _____
Phone Number _____ Fax Number _____

The applicant has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true and correct. IF THIS APPLICATION IS FILED BY ANYONE OTHER THAN THE OWNER OF THE PROPERTY, this application must be accompanied by a power of attorney statement of the owner. If there is more than one owner, all owners must sign the application or power of attorney. If the owner is a company, the application must be accompanied by proof of authority for the company's representative to sign the application on its behalf.

Signature and title

Date

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF COLLEGE STATION:

The undersigned hereby makes application for the encroachment of that portion of the above right-of-way/public utility easement particularly described in Exhibit No. 1, attached. In support of this application, the undersigned represents and warrants the following:

1. The undersigned will hold the City of College Station harmless, and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of such License to Encroach.
2. Attached, marked Exhibit No. 1, is a sealed metes and bounds description of the portion of the public utility easement sought to be encroached upon, prepared by a Registered Public Surveyor.
3. Attached, marked Exhibit No. 2, is a copy of a plat or detailed sketch of that portion of the public right-of-way/ easement sought to be encroached upon and the surrounding area to the nearest streets in all directions, showing the abutting lots and block, and the subdivision in which the above described public utility easement is situated, together with the record owners of such lots.
4. Attached, marked Exhibit No. 3, is the consent of all public utilities to the License to Encroach.
5. Attached, marked Exhibit No. 4, is the consent of the City of College Station staff to the License to Encroach.
6. Attached, marked Exhibit No. 5, is the consent of all the abutting property owners, except the following: (if none, so state)

Name _____ E-mail _____

Street Address _____

City _____ State _____ Zip Code _____

Reason consent was not obtained: _____

If objecting, points of objection:

Name _____ E-mail _____

Street Address _____

City _____ State _____ Zip Code _____

Reason consent was not obtained: _____

If objecting, points of objection:

Name _____ E-mail _____

Street Address _____

City _____ State _____ Zip Code _____

Reason consent was not obtained: _____

If objecting, points of objection:

7. That there are special circumstances or conditions affecting the property involved such that the strict enforcement of encroachment policies would deprive the applicant of the reasonable use of his property.

[Empty rectangular box for response to question 7]

8. That the license is necessary for the preservation and enjoyment of the substantial property right of the applicant.

[Empty rectangular box for response to question 8]

9. That the utilization of the easement area for the access to and the operation of utilities, including drainage, will not be impaired.

[Empty rectangular box for response to question 9]

10. That the granting of the license will not be detrimental to the public health, safety, or welfare or injurious to another party in the area.

[Empty rectangular box for response to question 10]

11. Such public utility easement has been and is being used as follows:

[Empty rectangular box for response to question 11]

I swear that all of the information contained in this application is true and correct to the best of my knowledge and belief.

Signature and title

Date

STATE OF TEXAS §
 § ACKNOWLEDGEMENT
COUNTY OF BRAZOS §

Subscribed and sworn to before me, a Notary Public, this _____ day of _____, 20__ by _____.

Notary Public in and for
the State of Texas

Application for License to
Encroach a Public Utility Easement

Location: _____

EXHIBIT NO. 1

Attached is a sealed copy of the metes and bounds description of that portion of the public utility situated in

Addition/Subdivision to the City of College Station, Brazos County, Texas, sought to be encroached upon.

Application for License to
Encroach a Public Utility Easement

Location: _____

EXHIBIT NO. 2

Attached are two copies of a plat or detailed sketch of the public utility easement sought to be encroached upon in the above- mentioned application, showing the surrounding area to the nearest streets in all directions, abutting lots, the block or blocks in which the portion of the public utility easement sought to be encroached upon is situated, and the addition or subdivision in which the portion of the public utility easement sought to be encroached upon is situated. Also, the names of record owners of the abutting lots are shown.

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Location: _____

EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchises with the City of College Station, that portion of the public utility easement sought to be encroached upon in the Application for License to Encroach above referred to, do hereby consent to the encroachment of the described portion thereof.

ATMOS ENERGY

By: _____

Title: _____

VERIZON TELEPHONE COMPANY

By: _____

Title: _____

SUDDENLINK COMMUNICATIONS

By: _____

Title: _____

BRYAN TEXAS UTILITIES

By: _____

Title: _____

Application for License to
Encroach a Public Utility Easement

Location: _____

EXHIBIT NO. 4

The undersigned, City staff of the City of College Station, certify that they have carefully considered the Application for License to Encroach the public utility easement referred to above from the standpoint of City of College Station ordinances and with respect to present and future needs of the City of College Station and see no objection to the requested license from the City's standpoint.

City Engineer
City of College Station

Building Official
City of College Station

Zoning Official
City of College Station

Fire Marshal
City of College Station

Electric Department
City of College Station

Water Services Department
City of College Station

Public Works Director
City of College Station

Application for License to
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Location: _____

EXHIBIT NO. 5

The undersigned, owners of property abutting upon that portion of the public utility easement named and described in the Application for License to Encroach a Public Utility Easement referred to above, do hereby consent to such license.

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____
