



Easement Encroachment Agreement

Application Information & Procedures

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Easement Encroachment Agreement Process

This application packet consists of information and required forms for requesting to encroach an easement with private site improvements. The purpose of an easement encroachment agreement (encroachment agreement) is to establish a legal right for a private owner to install private improvements that encroach into a public easement. This includes easements that are established by a previously recorded plat or by a recorded separate-instrument easement dedication.

An encroachment agreement is initiated by the respective lot owner(s), who proposes to place private improvements in a City utility easement, a Public Utility Easement, or an exclusive franchise-utility easement. Legal encroachment will require consent from all easement stakeholders, i.e. all of those who currently enjoy the rights of the easement. Please note that all private improvements are subject to the City's setback requirements, building codes, and all other development regulations, found in the Cedar Park Code of Ordinances.

The Applicant must secure approval of the easement encroachment request from all appropriate entities and/or utility service providers prior to submitting the application.

After all the required materials have been submitted to the Engineering Department for review, and the Director of Engineering has issued final approval, the application is forwarded by staff to the City Attorney's office to draft the encroachment agreement document. The Applicant must sign the encroachment agreement first. The encroachment agreement is then put in a queue to be executed by the City Manager. After execution, the encroachment agreement must be recorded by the Applicant in the Official Public Record of the applicable county. A copy of the recorded encroachment agreement document must be provided to the City.

The encroachment agreement is considered valid only after the document has been signed by the City Manager and recorded in the Official Public Records of Williamson and/or Travis County. Engineering staff will notify the Applicant and various City departments of the encroachment agreement. To the extent appropriate, Engineering staff will work with other departments if the easement release is tied to a pending development permit.

IMPORTANT: The encroachment agreement process may take 30 calendar days or more from the date of submittal to the recordation of the document, so please plan accordingly.

Required Submittals

- Applications should be submitted online through MyGovernmentOnline.org
- Incomplete applications will be returned to the applicant.

The Applicant must submit an application that contains all of the following:

- _____ 1. Completed and Signed Application Information Sheet.
- _____ 2. Signed letter from the owner(s) of the property encumbered by the easement, including the specific address and legal description of the property, the owner's contact information, and an explanation of the purpose for the proposed encroachment. **Original owner signature is required.**
- _____ 3. A copy of the owner's deed to verify proof of ownership (an unofficial copy is acceptable).
- _____ 4. A copy of:
 - the recorded Plat showing the area to be encroached and relevant plat notes, if any (unofficial copy is acceptable); OR
 - an official copy of the separate instrument easement document that dedicated the easement.
- _____ 5. Field notes and sketch:
 - A metes-and-bounds or narrative description of the portion of the easement to be encroached, including the lot description and orientation to the nearest lot line, labeled **Exhibit A**.
 - Graphic or survey sketch showing the entire lot and the area to be encroached, labeled **Exhibit B**;
 - One (1) PDF copy of the survey field notes (metes-and-bounds description) and sketch.
- _____ 6. *For Utility Easements*: Signed letter(s) or release form(s) from all utility service providers authorized to use the easement. **Original signatures are required. (Original hard copies must be delivered to the City of Cedar Park)**
 - City of Cedar Park Water and Wastewater Department;
 - Pedernales Electric Cooperative;
 - Atmos Energy;
 - Texas Gas Service;
 - Southern Union Gas;
 - Grande Communications;
 - Charter (formerly Time Warner Cable) requires a unique release form (see attached);
 - AT&T (formerly SBC) Texas requires a unique release form (see attached).
- _____ 7. Payment of \$50.00 fee. Checks are to be made payable to the City of Cedar Park.



Easement Encroachment Agreement

Application Information Sheet

Submit to the Engineering Department
450 Cypress Creek Road, Bldg. 1 | Cedar Park, TX 786113 | 512-401-5000

Project Name: _____

Permit Number (if applicable): _____

Original Easement Record Information Cabinet/Slide or Document #: _____

Property & Legal Description

Tax Appraisal Dist. ID# (s): _____

Subdivision: _____

Phase: _____ Section: _____ Block: _____ Lot: _____

- OR -

Survey Name & Abstract #: _____

To be encroached: Square feet: _____ Acres: _____

Owner Information

Name: _____ Title: _____

Firm name (if applicable): _____

Owner address: _____

Ph: _____ Email: _____

Applicant/Agent Contact Information

Name: _____ Title: _____

Firm name (if applicable): _____

Agent address: _____

Ph: _____ Email: _____

| |
|----------------------------------------------|
| Staff use Only Date of Receipt: _____ |
|----------------------------------------------|

Landowner's Encroachment Request Letter

Date: _____

To: Randall Lueders
Engineering Director
City of Cedar Park, Texas

Re: Easement encroachment for property located at:

Address: _____

Legal Description: _____

Dear Mr. Lueders:

The purpose of this request is to encroach the referenced easement, or portion thereof, as described in Exhibit A, attached to this letter. The reason for this request is: _____

After a thorough examination, the respective suppliers of utility service have no objection to this proposal, as indicated by the signed release form(s) attached hereto. Thank you for considering this request.

Sincerely,

Owner Signature

Date

Owner Name (Printed)

Owner Mailing Address

Owner Phone / Email Address

Sample Easement Encroachment Agreement

After recording, return to:

City Attorney's Office
City of Cedar Park
450 Cypress Creek Road, Bldg. 1
Cedar Park, Texas 78613

ENCROACHMENT AGREEMENT

THIS ENCROACHMENT AGREEMENT (the "Agreement") dated the _____ day of _____, 20____, between the CITY OF CEDAR PARK, whose address is 450 Cypress Creek Road, Bldg. 1, Cedar Park, Texas ("Grantor"), and [PROPERTY OWNER LEGAL ENTITY NAME], [a Texas LEGAL ENTITY TYPE (if applicable)], with its principal office at [ADDRESS] ("Grantee").

WHEREAS, Grantor, is the easement holder and benefitted party pursuant to the following easement, located on the land described in the following instrument(s) and under the terms thereof:

[DESCRIBE EASEMENTS/EASEMENT DOCUMENTS] (collectively, "**Easements**").

WHEREAS Grantee is the owner of that certain real property, or a portion thereof, located in _____ County, Texas, described as [LEGAL DESCRIPTION OF PROPERTY], together with the improvements located thereon ("**PROPERTY NAME SHORTHAND**"), and

WHEREAS, the following contemplated improvements encroach upon the Easements by approximately _____ feet, as more particularly shown on **Exhibit "A"** attached hereto and made a part hereof (the "**Encroachment**"):

[DESCRIBE IMPROVEMENTS].

NOW THEREFORE, in consideration of ten dollars (\$10.00) and other good and valuable consideration, paid by Grantee to Grantor, the receipt of which is hereby acknowledged, Grantor grants unto Grantee, its successors and assigns, the right to maintain the Encroachment within the Easement as described above. The Grantee agrees not to add to, modify or alter the Encroachment within the Easement without the express written permission of Grantor, and Grantee shall not create any other obstructions within the Easement.

NOTWITHSTANDING anything to the contrary, all rights granted herein to the Grantee shall be subject and subordinate to the paramount rights granted to Grantor by the above referenced easement documents now and hereafter to occupy and use all or any portion or portions of the Easements.

GRANTEE, its successors and assigns, hereby assumes all risk of loss, damage or injury to persons (including death) or real or personal property occasioned by negligence or otherwise, and arising out of or in any way connected with the existence of said Encroachment, the use, occupation thereof, or the surrounding area by Grantor or Grantee. Grantee, its successors and assigns expressly agrees to indemnify, defend (including any and all attorney's fees, costs of court and interest assessed or incurred by Grantor), and save harmless Grantor, its officers, contractors, agents and employees from and against any and all such loss, damage or injury, whether arising in tort contract, or otherwise.

EXCEPT as herein otherwise specifically provided, this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Agreement as of the day and year first above written.

GRANTOR:

CITY OF CEDAR PARK

By: _____
Name: _____
Title: _____



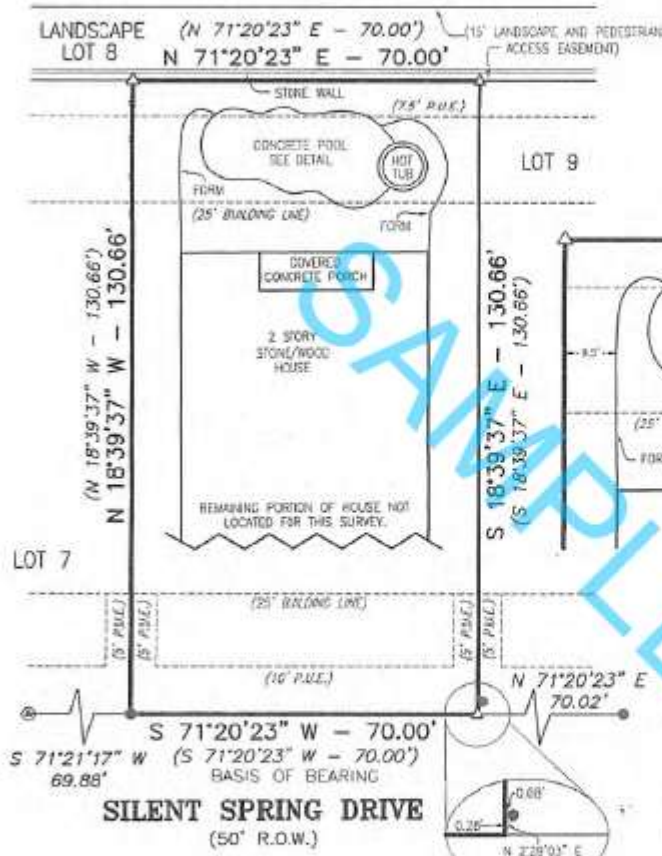
LOCATIVE SURVEY OF POOL FOR

SCALE: 1" = 30'

LITTLE ELM TRAIL (110' R.O.W.)

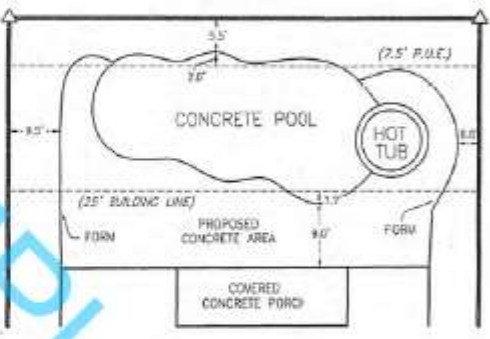
LEGEND

- UNLESS NOTED OTHERWISE
- 1/2" IRON ROD FOUND
 - ⊙ 1/2" IRON ROD WITH "POINTLINE RPLS 1587" PLASTIC CAP SET
 - △ CALCULATED POINT
 - P.R.W.C. PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS
 - P.U.E. PUBLIC UTILITY EASEMENT
 - R.O.W. RIGHT-OF-WAY
 - () RECORD INFORMATION PER PLAT



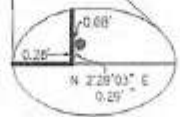
DETAIL

NOT TO SCALE



NOTES:

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS, OR OTHER MATTERS OF RECORD THAT AFFECT THIS TRACT BUT ARE NOT SHOWN HEREON.
2. THERE ARE IMPROVEMENTS NOT SHOWN HEREON. THE PURPOSE OF THIS SURVEY WAS TO LOCATE THE POOL IN RELATION TO THE BOUNDARY LINE(S).



CERTIFY:

THIS MAP SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS' STANDARDS AND SPECIFICATIONS FOR A CATEGORY 3, CONDITION II SURVEY.

Utility Service Provider Contacts

NOTE: Contact information is provided as a courtesy only and is subject to change

AT&T Texas/SW Bell

Applicants should email requests to: g03854@att.com

For questions, applicants should contact:

Pamela Johnson – pb9891@att.com or 512-975-0607

Todd Thetford – tt1879@att.com

Tracey Koos – tk196r@att.com or 737-255-4851 (office) 512-568-5263 (cell)

Texas Gas Services

Chris Landgraf chris.landgraf@onegas.com

ATMOS Energy, Round Rock District

3110 North IH 35, Round Rock TX 78681 fax: 512-310-3819

Michael Andrews Michael.Andrews@AtmosEnergy.com 512-310-3854

Charter Communications (formerly Time Warner Cable)

750 Canyon Drive, Suite 500, Coppell, TX 75019

Jerry Doyle Jerry.Doyle@Charter.com 512-485-6016

Troy Smith Troy.Smith1@Charter.com 512-748-1425

Pedernales Electric Cooperative

PO Box 2620, Cedar Park TX 78630 fax: 512-257-2643

Diann Hamilton Diann.hamilton@PECI.com 800-868-4791 ext7422

Grande Communications/Astound Broadband

Plant_maintenance@astound.com



Troy Smith
Troy.Smith1@Charter.com
(512)748-1425

810 W. Howard Ln, Ste #100, Austin TX 78753

Jerry Doyle
Jerry.Doyle@Charter.com
(512)485-6016

APPLICATION FOR VACATION OF EASEMENT

Please Print. Application is hereby made for the release of the following easement(s) as described below.

The easement is on property legally described as:

Subdivision: _____ Section: _____ Block: _____

Lot Numbers: _____

Address: _____
Number & Street City State Zip

As recorded in Volume _____, Page _____, of the Plat Records of _____ County, Texas

Provide common description of the easement requested for release, indicating the amount of the easement to be released.
Example: Five-foot P.U.E. & D.E. on either side of the common lot line between lots X and X. Please provide a survey or plat of the area with the easement to be released highlighted.

Reason for requesting release (Example: Single Family Residence, Accessory Building, etc.):

Please note: If multiple owners are making this request, complete name, address, phone must be provided for each/all.

Property Owner's name(s): _____

Mailing Address: _____
Number & Street City State Zip

Phone: _____
Day Time Cell Fax

I authorize the following person/company to act in my behalf as my designated agent:

Name of agent/company: _____
Name of Company Name of Contact

Mailing Address: _____
Number & Street City State Zip

Phone: _____
Day Time Cell Fax

The undersigned Owner/Applicant/Agent understands that the processing of the Easement Release Application will be handled in accordance with procedure for requesting release of easements established by Charter Communications. It is further understood that acceptance of this application does not obligate Charter Communications to release the subject easement

Signature of Applicant/Agent Date

APPLICATION FOR EASEMENT RELEASE

To be sent to AT&T Texas at
925 Washington Ave, Room 202, Waco, TX 76701
Email g003803@att.com
Lucy Cabading, FAX 254-757-7821, Anita Frank FAX 254-773-8574

Application is hereby made for the release of the following easement(s) as described below:

The easement(s) is on property legally described as:

Subdivision / Section: _____

Lot and Block No: _____
Deed book volume/page
or Document # _____

Street Address: _____

Provide common description of the easement requested for release, indicating the amount of the easement to be released (ex: X' x X'=XYZ SF). Provide a survey of the property with the easements to be released highlighted and the purpose for this release.

Property Owner's Name: _____

Mailing Address: _____

Telephone No.: _____

(Note: if multiple owners are joining in this request, the complete names, addresses and phone numbers on each must be attached.)

APPLICANT/AGENT'S NAME: _____

APPLICANT'S ADDRESS: _____

PHONE: _____ **FAX :** _____

The undersigned Land Owner understands that the processing of this Easement Release Application will be handled in accordance with the Procedure for Requesting Release of Easements established by each utility company.

Signed by _____
Land Owner

To be sent to 925 Washington Ave. Room 202, Waco, TX 76701 along with survey plat of property showing easement(s), and legal description with the volume and page or the document # from recording of the property deed in County Records.