

APPLICATION TO INITIATE FEASIBILITY STUDY TO ENCROACH

1. Describe location by street name and intersecting street: _____

2. Describe what will be installed in the public right-of-way and state the purpose of this request (include any applicable Conditional Use Permit, Site Plan Review, or Rezone Numbers): _____

3. Submit a detailed 8 1/2 " x 11" map, drawn to scale, which depicts the encroaching items and identifies the limits of this application. Applications will not be processed without an acceptable map.
4. Applicant shall provide a copy of the deed that indicates current ownership of the subject property and which contains a complete legal description of the subject property.

5. Encroachment Feasibility Study fee to be paid at time of application - \$765.00
(Per Master Fee Schedule effective 07/01/13). Make checks payable to the City of Fresno

6. General Information:

- a. The Feasibility Study process may require approximately six weeks to complete.
- b. The applicant will receive a letter from Public Works with the results of the study, which will detail any conditions of approval or reasons for denial of the application.
- c. The Encroachment Covenant will be prepared by Public Works and forwarded to the Applicant for execution. The property owner's signatures must be notarized.
- d. After Applicant returns the signed document to Public Works, signatures of the Public Works Director and Deputy City Attorney will be affixed and the document will be recorded with the Fresno County Recorder's Office.
- d. Applicants will receive a copy of the recorded document, which completes the process.
- e. Contact Jeff Beck, Engineer, at 621-8560 for additional information.

7. Submit applications and fees to: PW/ROW Section
Public Works Department - Engineering Division
2600 Fresno Street - 4th Floor
Fresno, CA 93721

Applicant: _____
Phone: _____
Mailing Address: _____
Representing (Property Owner): _____
Assessors Parcel Number(s): _____

Date Fee Paid: _____ Cashier Memo No.: _____
Received By: _____

See City of Fresno Municipal Code Section 13-219 on the reverse side of this application

MUNICIPAL CODE CITY OF FRESNO

SECTION 13-219 ENCROACHMENT IN A PUBLIC RIGHT-OF-WAY

- a) No person shall encroach upon any public right-of-way of the City unless and until such person first obtains and maintains in force and effect a valid Encroachment agreement issued by the Director. The Director may issue a Street Work permit only when the following conditions have been met.
 - 1) The record owners of the real property adjacent to the encroachment area have executed and recorded an encroachment covenant agreement approved by the City Attorney indemnifying the City for all liability resulting from the use or occupation of the encroachment area.
 - 2) An application for a Street Work permit has been completed on a form designated by the Director which describes the purpose for the encroachment and the work to be done therein.
 - 3) Fees relating to the issuance of the Street Work permit, as established by the Master Fee Resolution, have been paid.
 - 4) The Director determines that the issuance of the Street Work permit, will meet a legitimate purpose of the applicant, and that such purpose cannot be feasibly accomplished by any means other than through the issuance of an encroachment permit.
 - 5) The Director determines that the issuance of an encroachment permit will not be detrimental to the public health, safety, and welfare.
- b) The applicant shall comply with all additional terms, conditions, and restrictions incorporated within the permit and/or covenant which the Director may impose.
- c) Issuance of an encroachment agreement shall not relieve the applicant from the obligation of obtaining a street work permit pursuant to Section 13-202 for any work to be done in the public right-of-way contiguous to, or within, the area of encroachment.
- d) The Director shall revoke any Street Work permit upon determining that the applicant has failed to comply with one or more of the terms, conditions, or restrictions incorporated in the permit or the covenant and shall order the removal of all structures from the encroachment area. [This Subsection shall not apply to Subdivision 12-328(F) of the Outdoor Dining Ordinance.]
- e) The decision of the Director, or any term, condition, or restriction imposed, may be appealed to the Council pursuant to the provisions of Section 13-216 of this Code. (Added Ord. 79-80, ' 1, eff. 6-1-79; Am. Ord. 80-115, ' 113, eff. 8-8-80).