

## 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:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 07/01/22). Make checks payable to the City of Fresno OR request online payment using [FAASTER](#) by emailing [Josef.Hand@Fresno.gov](mailto:Josef.Hand@Fresno.gov).

6. Indicate possible project related development entitlements to be requested now or later. If number(s) known please enter next to appropriate entitlement(s)

<input type="checkbox"/> Plan Amendment _____	<input type="checkbox"/> Ordinance Amendment _____	<input type="checkbox"/> Site Plan _____
<input type="checkbox"/> Rezone _____	<input type="checkbox"/> Tentative Tract Map _____	<input type="checkbox"/> Variance _____
<input type="checkbox"/> Conditional Use Permit _____	<input type="checkbox"/> Parcel Map _____	<input type="checkbox"/> Street Work Permit _____
<input type="checkbox"/> Other (Identify) _____		

7. Submit applications and fees to: Josef Hand  
Public Works Department - Engineering Services  
2600 Fresno Street – Rm. 4016  
Fresno, CA 93721

### 8. General Information:

- The Feasibility Study process may require approximately six weeks to complete.
- 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.
- If feasible, the Encroachment Covenant will be prepared by Public Works upon an additional processing fee (Per Master Fee Schedule) and forwarded to the Applicant for execution. The property owner's signatures must be notarized.
- 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.
- Applicants will receive a copy of the recorded document, which completes the process.
- Contact Josef Hand at (559) 621-8560 or email to [Josef.Hand@fresno.gov](mailto:Josef.Hand@fresno.gov) for additional information.

Property Owner: \_\_\_\_\_ Developer: \_\_\_\_\_  
Applicant: \_\_\_\_\_ Mailing Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Assessor's Parcel No(s): \_\_\_\_\_

### FOR OFFICE USE ONLY

Date Fee Paid: \_\_\_\_\_ Cashier Memo No. \_\_\_\_\_  
Received by: \_\_\_\_\_ Encroachment No. \_\_\_\_\_

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 permit (covenant) issued by the Director. The Director may issue an encroachment permit (covenant) 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 a 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 an encroachment permit (covenant) 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 encroachment permit (covenant), as established by the Master Fee Resolution, have been paid.
  - (4) The Director determines that the issuance of the encroachment permit (covenant) 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 (covenant).
  - (5) The Director determines that the issuance of an encroachment permit (covenant) 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 (covenant) and/or covenant which the Director may impose.
- (c) Issuance of an encroachment permit (covenant) shall not relieve the applicant from the obligation of obtaining a street work permit (covenant) pursuant to [Section 13-202](#) for any work to be done in the public right-of-way contiguous to, or within, the area of the encroachment.
- (d) The Director shall revoke any encroachment permit (covenant) upon determining that the applicant has failed to comply with one or more of the terms, conditions, or restrictions incorporated in the permit (covenant) or the covenant and shall order the removal of all structures from the encroachment area. This Subsection shall not apply to Subsection 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; Am. Ord. 2014-17, § 2, eff. 4-18-14).