



Subdivision and Site Development

Encroachment Agreement

Application Information & Procedures

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Planning and Development Services Department

City of Round Rock, Texas

Updated June 23, 2020

Encroachment Agreement

This development 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 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.

Encroachment Agreement Process

The execution of an encroachment agreement is a power granted to the City Manager in the City charter and does not require action by the Planning and Zoning Commission or City Council. An application for the release of an easement is submitted directly to the Planning and Development Services Department (PDS) at any time.

The Applicant must secure approval of the easement encroachment request from all appropriate entities and/or utility service providers prior to submitting the application. Staff will obtain the signatures of the Utility and Environmental Services Director and the PDS Director once the application package has been submitted to PDS.

After all the required materials have been submitted to PDS for review, and PDS has issued its final approval, the application is forwarded by staff to the City Attorney's office to draft the encroachment agreement document. The encroachment agreement is then put in a queue to be executed by the City Manager and then to be recorded by City staff in the Official Public Record of the applicable county. A copy of the recorded encroachment agreement document will be sent to the applicant once it is recorded.

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. PDS staff will notify the Applicant and various City departments of the encroachment agreement. To the extent appropriate, PDS 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 may be submitted in person by the applicant or applicant’s agent, sent via mail, or sent by courier.
- Incomplete applications will be returned to the applicant.

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

- _____ 1. Completed Application Information Sheet.
- _____ 2. Signed Landowner’s Letter – 1 copy of a signed letter from the owner(s) of the property encumbered by the easement. Original 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 easement document that dedicated the easement;
- _____ 5. Field notes and sketch:
 - A survey sketch with a metes-and-bounds description of the portion of the easement to be released, including the lot description and orientation to the nearest lot line. Show the entire lot on the survey sketch;
 - One (1) CD containing PDF files of the field notes (metes-and-bounds description) and the survey sketch.
- _____ 6. Signed release form(s) from utility service providers, as applicable. **Original signatures are required.**
 - ATMOS Energy-Round Rock District
 - Oncor Electric Delivery-Round Rock District
 - Pedernales Electric Cooperative
 - 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 fees. In accordance with the fee schedule adopted by City Council. Checks are to be made payable to the City of Round Rock.

Application Fee:	\$250
Legal Fee:	<u>\$50</u>
TOTAL	\$300



Encroachment Agreement

Application Information Sheet

Submit to Planning & Development Services Department (PDS)
301 W. Bagdad, Ste. 210 | Round Rock, Tx 78664 | 512-218-5428

Subdivision Name: _____

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); _____

Firm address: _____

Ph: _____ Email: _____

Applicant/Agent Contact Information

Name: _____ Title: _____

Firm name (if applicable); _____

Firm address: _____

Ph: _____ Email: _____

Staff use Only Application No: _____ Date: _____

Additional Information

Staff contacts:

https://www.roundrocktexas.gov/wp-content/uploads/2018/03/contacts_development-staff-current.pdf

This and other packets online:

<https://www.roundrocktexas.gov/departments/planning-and-development-services/land-development-permits/>

Planning and Development Services (PDS) Transmittal Form:

<https://www.roundrocktexas.gov/wp-content/uploads/2015/01/letter-of-transmittal.pdf>

Landowner's Encroachment Request Letter

Date: _____

To: Brad Wiseman
Planning & Development Services Director
City of Round Rock, Texas

Re: Easement encroachment for property located at:

Dear Mr. Wiseman:

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 and have indicated their agreement by signing below. Thank you for considering this request.

Sincerely,

Landowner *date*

I have reviewed the above proposal for utility service purposes, and I have no objections.

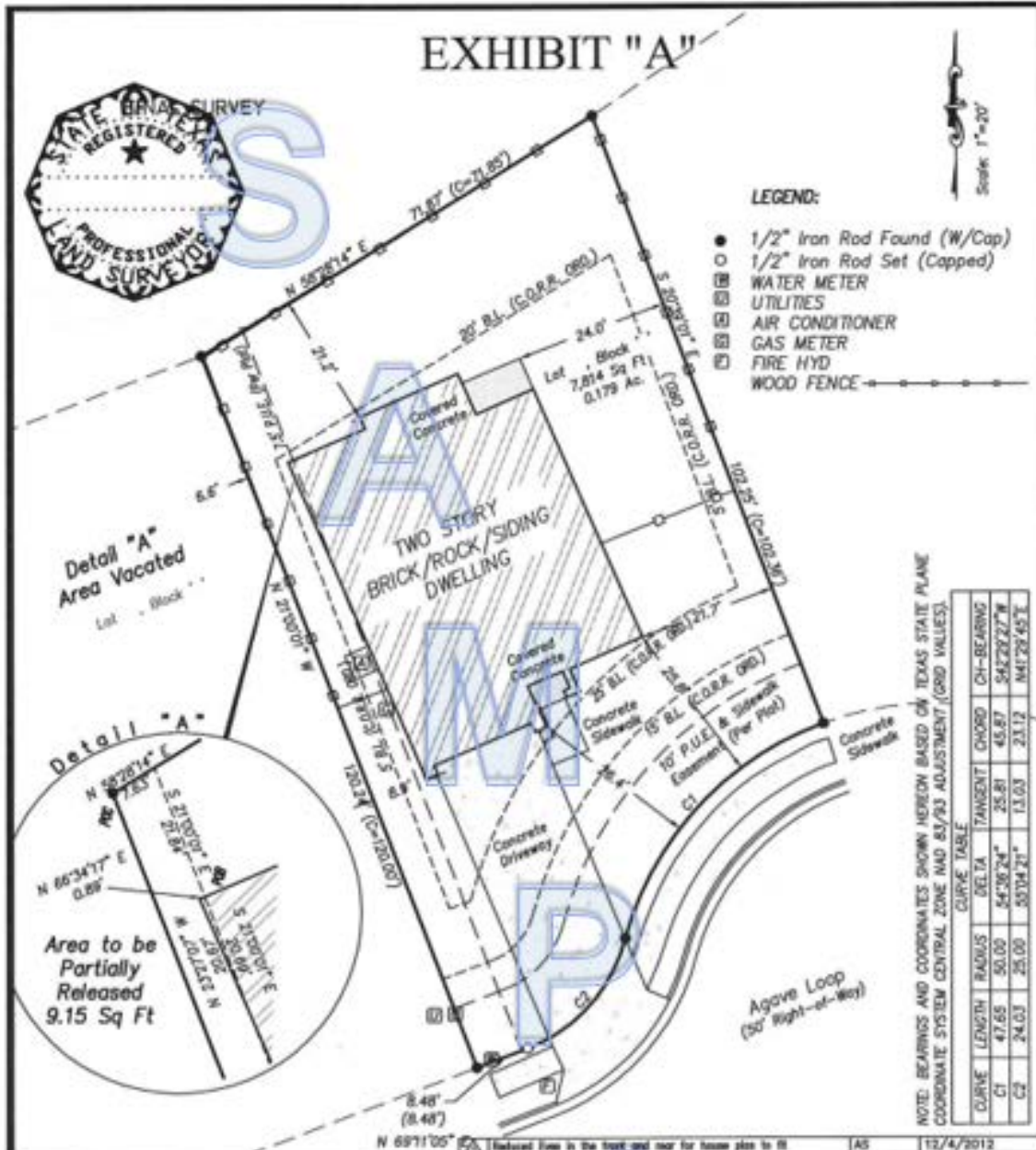
Name date
Oncor-Round Rock District
(Or Pedernales Electric Cooperative)

Name date
AT&T (formerly SBC)

Name date
ATMOS Energy-Round Rock District

Name date
Charter (formerly Time Warner Cable)

Sample Field Notes and Sketch



THIS IS TO CERTIFY THAT, ON THIS DATE, A TRUE AND ACCURATE SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION OF PROPERTY LOCATED AT NO. AGAVE LOOP IN WILLIAMSON COUNTY, TEXAS, DESCRIBED AS FOLLOWS: LOT , BLOCK " , BEHRENS RANCH PHASE , SECTION , A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN CABINET FF, SLIDES 26-27 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.

9.15 Sq Ft

THESE NOTES DESCRIBE A PORTION OF LAND IN BEHRENS RANCH PHASE , SECTION , LOT , BLOCK " , SITUATED IN WILLIAMSON COUNTY, AS RECORDED IN CABINET FF, SLIDES 26-27 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS (PRWC); SUBJECT BEING SURVEYED ON THE GROUND UNDER THE DIRECT SUPERVISION OF , REGISTERED PROFESSIONAL LAND SURVEYOR No. ON June , 2013, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING at the Northwest corner of Lot , Block " , same being the Northeast corner of Lot , Block " ; THENCE North 58°28'14" East, 7.63 feet, and South 21°00'01" East, 21.84 feet to the POINT OF BEGINNING; THENCE South 21°00'01" East , for a distance of 20.69 feet to a point; THENCE North 23°27'07" West, for a distance of 20.67 feet to a point; THENCE North 66°34'17" East, for a distance of 0.89 feet to the POINT OF BEGINNING containing according to the dimensions herein stated and area of 9.15 Sq Ft of Land.

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: g03803@att.com

For questions, applicants should contact:

David A. Williams dw8132@att.com 737-255-4856

Oncor Electric Delivery, Round Rock District

350 Texas Ave., Round Rock, TX 78664

Jay Walthall Jay.Walthall@Oncor.com 254-640-8405

ATMOS Energy, Round Rock District

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

Martin Perez Martin.Perez@atmosenergy.com 512-415-8426

Charter Communications (formerly Time Warner Cable)

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

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

PECCedarParkPlanning@PECI.com

877-372-0391, Option 3

fax: 512-257-2643



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/ENCROACHMENT AGREEMENT
AT&T**

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 # (Plat) _____

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.

Land Owner's Name: _____

Mailing Address: _____

Telephone No.: _____

Email: _____

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

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

Signed by _____
Land Owner

Must send all the following supporting documents: 1. The completed application; 2. Survey plat of property showing easement(s); and 3. Legal description with the volume and page or the document # from recording of the property deed in County Records .

For the fastest response, please email the scanned completed application and supporting documents to: g03803@att.com, or the completed application and supporting documents may be mailed to:

AT&T
Attn David Williams
817 W North Loop
Austin, TX 78756