



INSTRUCTIONS FOR COMPLETING A FENCE ENCROACHMENT OF A PUBLIC DRAINAGE EASEMENT

PLEASE SUBMIT ALL OF THE FOLLOWING REQUIRED DOCUMENTS:

1. **One Application with an original signature, signed in black ink.**
2. One Fence encroachment and Joint Use Agreement of a Public Drainage Easement form with an ***original signature by the Property Owner***, signed and notarized in black ink. Do not submit copies of signatures and notary acknowledgments.
3. One copy of EXHIBIT NO. 1, which shows in graphic form the nature of the encroachment with dimensions. Please limit the area of usage of the easement to only that needed to accommodate your needs. Plans or drawings may be reduced, provided the final document is legible. City staff will make final decision on legibility.
4. The Engineering Division may require an additional EXHIBIT NO. 2, which may include detailed drawings and/or cross sectional drawings of the proposed fence, which fully displays the extent of the encroachment.
5. This agreement will be circulated through Community Development, and Public Works/Engineering within the City of Colleyville. Please allow approximately three (3) working days to complete the circulation process. Drainage Easement encroachments may be approved administratively.
6. After approval by the necessary City departments, a copy of the agreement is forwarded to Building Inspections for retention in the permanent address permit files.

Submit these documents to:

City of Colleyville
Community Development Department
100 Main Street
Colleyville, TX 76034
817.503.1050 office
817.503.1059 fax

**APPLICATION FOR FENCE ENCROACHMENT AND JOINT USE AGREEMENT
OF A PUBLIC DRAINAGE EASEMENT**

Date of Submittal

To the City of Colleyville:

The undersigned hereby makes application to allow a fence encroachment and joint use of a portion of the public drainage easement situated on or abutting property located at

_____, Lot _____, Block _____, Subdivision _____.

This agreement is for the sole propose to install a fence on the above property, which encroaches a public drainage easement:

Printed Name of Applicant

Telephone

Signature of Applicant

Fax Number

Address

City State Zip

City Use Only:

Permit No. _____

Approval:

Yes No

Comments & Special Conditions: _____

Fence Encroachment And Joint Use Agreement
of Public Drainage Easement

THE STATE OF TEXAS §
COUNTY OF TARRANT §

Be it known, that the City of Colleyville, herein after referred to as "City," does consent and agree to permit the following **Property Owner** _____, herein after referred to as "Applicant," to use a Drainage easement, situated on or abutting LOT_____,BLOCK_____,OF _____ IN THE CITY OF COLLEYVILLE, TEXAS, as described on the attached Exhibit No. 1, to be used for the purposes of installing a fence and being subject to the following conditions:

I.

That the Applicant, his successors or assigns shall maintain in good condition all of the easement area and the improvements situated thereon; and, that the City shall not become responsible for such maintenance at any time in the future.

II.

That the Applicant shall and does hereby agree to indemnify and hold harmless the City from any and all damages, loss or liability of any kind whatsoever by reason of injury to property or third person occasioned by its use of the drainage easement or act of omission, neglect or wrong doing of applicant, his officers, agents, employees, invitees or other persons, with regard to the improvements and maintenance of such improvements; and the Applicant shall, at his own cost and expense, defend and protect the City against any and all such claims and demands.

III.

That the Applicant shall arrange for all activities and improvements in the drainage easements to be discontinued and/or removed within thirty (30) days of written notification, at the discretion of the City, for:

- (1) Lack of maintenance to the drainage easement; or
- (2) Failure to provide access to the City or its designees; or
- (3) Compliance with a City Council directive that use of the drainage easement by the Applicant be discontinued and the cost associated with the discontinuing of such activities, and the removal of such improvements, as well as property adjacent to the drainage easement necessitated by such discontinuation of the drainage easement use, shall be borne by the Applicant.

IV.

That the Applicant, his successors, or assigns shall not seek compensation from the City for loss of the value of the improvements made hereunder, when such improvements are required to be removed by the Applicant.

IN TESTIMONY WHEREOF, Applicant executes this Fence Encroachment Drainage Easement Joint Use Agreement on this _____ day of _____, 20_____.

Printed Name

By: _____
Applicant's Signature

THE STATE OF TEXAS §
COUNTY OF TARRANT §

Acknowledgment

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 20_____.

Notary Public in and for the State of Texas

My Commission Expires: _____

EXHIBIT NO. 1

The following is a drawing depicting the area or portion of the drainage easement and property described as Lot _____ Block _____ of _____, that is subject to the fence encroachment and joint use agreement in this application showing the nature of the encroachment and use with dimensions.

This drawing shall include a north arrow, legal description of the subject property and adjoining properties.

EXHIBIT NO. 2

The following is a detail and/or cross section drawing of the improvement(s) in the drainage easement to be subject to the encroachment and joint use agreement in this application.

**SERVICE PROVIDER CONTACTS FOR
EASEMENTS IN COLLEYVILLE**

Call before you Dig???
811

<http://texas811.org/>

TXU Electric Delivery

Local 1-972-791-2888

<http://www.txu.com/contact.aspx>

Tri-County Electric

817-431-1541

<http://www.tcectexas.com/ContactUs.htm>

Comcast Cable

1-800-XFINITY

<http://customer.comcast.com>

Southwestern Bell Telephone (AT&T)

817-338-6803

<http://www.att.com/esupport/>

Verizon Telephone

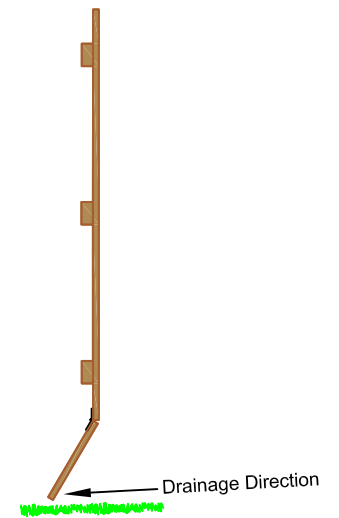
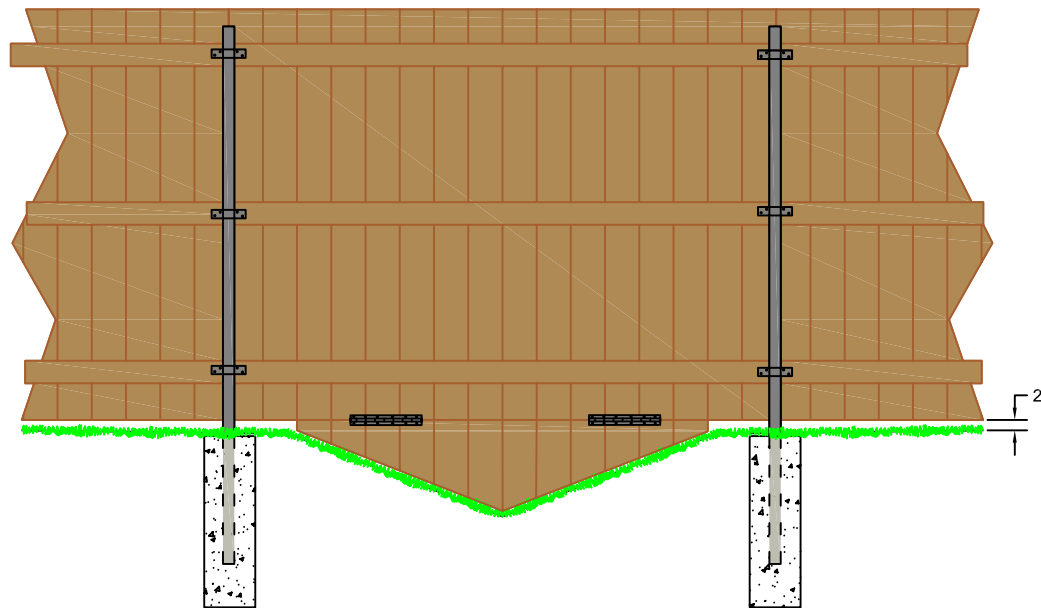
1-800-837-4966

<http://www22.verizon.com/customersupport/contactus/>

Atmos Energy

1-888-286-6700

<http://atmosenergy.com/contact/>



**Typical Swing Gate for Fencing
Crossing Drainage Easement**

2012/02/24

Fence F-1