



**BUILDING SAFETY
DEPARTMENT**

1221 Mitchell Street
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Clovis, New Mexico 88101
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ENCROACHMENT AND EASEMENT APPLICATION

When an Easement or Encroachment is desired, an application should be submitted through the Department of Building Safety. Please include a certified Plot Plan/Survey with the application. The application will be reviewed by the City Manager, Director of Building Safety, and Director of Public Works. If the Easement/Encroachment extends five (5) feet or more on public property, it shall be referred to the City Commission for action.

Date of Application: _____

Name of Applicant: _____

Address: _____

Contact Number(s) (1) _____ (2) _____ (3) _____

Owner of Property: _____

Address: _____

Contact Number(s) (1) _____ (2) _____ (3) _____

ADDRESS/LOCATION OF ENCROACHMENT: _____
() Residential () Commercial

Describe Encroachment:

Legal Description: Addition: _____ Tract: _____
Block: _____ Lot: _____

Existing Zone: _____ Flood Hazard Zone (circle one): YES NO

Are there other encroachments on this property? If yes, please describe:

If encroachment is for a fence, please complete the following:

- () Chain Link Height _____ Linear Footage _____
- () Cinder Block Height _____ Linear Footage _____
- () Wood Height _____ Linear Footage _____
- () Metal Height _____ Linear Footage _____
- () Other Height _____ Linear Footage _____

What is the total encroachment in linear footage?

_____ Signature of Applicant	_____ Printed Name of Applicant	_____ Date
_____ Signature of Owner	_____ Printed Name of Owner	_____ Date

ENCROACHMENT/EASEMENT AGREEMENT

All encroachments approved and easements issued by City Manager shall contain the following restrictions:

1. The easement shall be granted for the surface and foundation only under the existing improvement and the area of the existing encroachment.
2. The easement shall be granted only until terminated by the City, but in no event shall it extend beyond the life of the existing improvement.
3. Grantees, their heirs, successors and assigns shall not replace existing improvements and shall not construct additional improvements upon the easement.
4. Grantees, their heirs, successors and assigns shall indemnify and hold the City of Clovis, harmless from any and all damages caused by the existing improvements, regardless of the nature or extent of damage.
5. Grantees, their heirs, successors and assigns shall agree to remove all improvements if directed to do so by the City.
6. Unless sooner vacated, the easement shall terminate at such time as the improvements are destroyed, removed, cease to be used as an improvement to the property, or becomes decayed or damaged so as to no longer be useful.
7. Grantee shall provide a survey of the encroachment area certified by a licensed land surveyor.
8. Grantees, their heirs, successors and assigns agree to waive any and all claims against the City, and hold the City harmless from any and all damages caused to the improvements upon the easement arising from the use of the streets, right-of-ways, and alleys by the City.
9. Such additional criteria, limitations, and restrictions as the City Manager, determines to be in the best interest of the City.

APPLICANT: _____
OWNER: _____
ADDRESS OF ENCROACHMENT: _____
LEGAL: ADDITION _____ TRACT _____
 BLOCK _____ LOT _____

CITY MANAGER: **APPROVED** _____ **NOT APPROVED** _____
RECOMMENDATIONS: _____

City Manager Signature

BUILDING SAFETY: **APPROVED** _____ **NOT APPROVED** _____
RECOMMENDATIONS: _____

Director of Building Safety Signature

PUBLIC WORKS: **APPROVED** _____ **NOT APPROVED** _____
RECOMMENDATIONS: _____

Director of Public Works Signature

APPLICANT ACCEPTANCE OF RECOMMENDATIONS AND CONDITIONS AND AGREEMENT THERETO.

Signature of Applicant

STATE OF NEW MEXICO)
) SS.
 COUNTY OF CURRY)

The foregoing instrument was acknowledged before me this _____ day of _____, 2004 by _____.

(seal)

NOTARY PUBLIC

My Commission Expires:
