

ADMINISTRATIVE APPROVAL PROCESS ENCROACHMENT APPLICATION

Departments of Public Works and Community Development, City of Richmond, VA

APPLY TO: DIVISION OF PERMITS AND INSPECTIONS ~ ROOM 110 CITY HALL

APPLICATION FEE: \$300 NON - REFUNDABLE

Date: _____ No. pages: _____ No. Encroachments: _____ Application No. _____

Total Encroachment Area: _____ sq ft _____ lin ft Overlap Area: _____ sq ft _____ lin ft

Total Assessed Area: _____ sq ft _____ lin ft **Is Insurance Attached?** Yes No

Encroachment Address: _____

NOTE: Application must include the required liability insurance certificate with application number shown on certificate, no later than 15 working days after submittal of application to Room 110 City Hall. In the event the insurance certificate is not received within 15 working days after the submittal, or lapses at any time, the application shall become null and void and the applicant will be required to submit a new application and \$300 fee for approval/authorization. (Insurance limits enabled by Ord. 2005-49-122 adopted 06.13.05)

CIRCLE APPROPRIATE WORDS / FILL IN BLANKS WHERE APPLICABLE :

UDC/CAR Required? Yes No **Planning Commission Required?** Yes No **Project No.** _____

Encroachment No. 1 Existing Proposed -- Meets Building Code Requirement? Yes No
Type: Awning, Canopy, Conduit, Cornice, Door, Downspout, Eaves, Façade, Fence, Fiber Optic, Footing, Gutter, Landscaping, Lights, Overhang, Sign, Trim, Wall, Other _____

Encroachment is: Exposed, Overhead, Underground, Sidewalk, Other _____

Encroachment is located along: North, South, East, West line of: _____

_____ & being / beginning: _____ feet from North, South, East, West line of:

_____ & extends: _____ feet into right of

way Length: _____ Vertical Distance from existing grade to bottom of encroachment: _____

Sidewalk Width: _____ **Encroachment Area:** _____ sq or lin ft.

Encroachment No. 2 Existing Proposed -- Meets Building Code Requirement? Yes No
Type: Awning, Canopy, Conduit, Cornice, Door, Downspout, Eaves, Façade, Fence, Fiber Optic, Footing, Gutter, Landscaping, Lights, Overhang, Sign, Trim, Wall, Other _____

Encroachment is: Exposed, Overhead, Underground, Sidewalk, Other _____

Encroachment is located along: North, South, East, West line of: _____

_____ & being / beginning: _____ feet from North, South, East, West line of:

_____ & extends: _____ feet into right of

way Length: _____ Vertical Distance from existing grade to bottom of encroachment: _____

Sidewalk Width: _____ **Encroachment Area:** _____ sq or lin ft.

BELOW THIS LINE FOR CITY USE ONLY

Community Development Approvals By Initials:

Permits & Building Code Compliance: _____ Date: _____

Zoning & Building Code Compliance: _____ Date: _____

UDC: _____ Date: _____ CAR: _____ Date: _____

Planning Commission: _____ Date: _____

Comments: _____

Public Works Approvals By Initials:

Date Received: _____ Block/Project No.: _____

Surveys by: _____ Date Received: _____

Comments: _____

Special Conditions Attached: YES _____ pages NO
(i.e. in addition to conditions and requirements noted on application)

APPROVAL GRANTED: YES NO (Council Approval Process Required)

Permission to encroach is granted subject to all provisions and conditions stated above and/or contained in the City Charter.

COPY TO: Public Works, Comm. Dev., Assessor, Applicant

Director of Public Works (or designee) _____ Date _____

*NOTE: See "Encroachment Approval Conditions" on page 2

CONTINUED: i.e. THE FOLLOWING PAGE (2) MUST ACCOMPANY THIS APPLICATION Page 1 of _____

Applicant must attach a survey plat or plan (TO SCALE) illustrating all details of encroachment items per "Guidelines", to include: length, height, width, extent into right-of-way, a dimension to the closest side-street right-of-way, width of sidewalk, elevation above sidewalk, etc. Photos preferred and may be required with application. **PRINT EXACT TITLE SHOWN ON ATTACHED PLAT/PLAN**

Plat/Plan by: _____ Scale: _____ Dated: _____

Encroachment No. 3 Existing Proposed -- Meets Building Code Requirement? Yes No
Type: Awning, Canopy, Conduit, Cornice, Door, Downspout, Eaves, Façade, Fence, Fiber Optic, Footing, Gutter, Landscaping, Lights, Overhang, Sign, Trim, Wall, Other _____

Encroachment is: Exposed, Overhead, Underground, Sidewalk, Other _____

Encroachment is located along: North, South, East, West line of: _____

& being / beginning: _____ feet from North, South, East, West line of: _____

& extends: _____ feet into right of way Length: _____ Vertical Distance from existing grade to bottom of encroachment: _____

Sidewalk Width: _____ **Encroachment Area: _____ sq or lin ft.**

***Encroachment Approval Conditions including, but not limited to, the following:**

1. Applicant/owner shall satisfy all requirements, to include liability insurance requirements (i.e. submit maintain/update for life of encroachment.
2. The Licensee, on the Licensee's own behalf and on behalf of any successor or assign, shall acknowledge and assume all responsibility for the permitted use of the right of way and the installation, construction, maintenance, repair, operation and removal of the encroachments, which shall be undertaken without risk or liability to the City. Upon approval and/or authorization for the encroachment, the owner, his heirs, devisees, successors and assigns shall agree to indemnify, keep and hold the City free and harmless from liability (i.e. liability insurance in City's name) on account of injury or damage to persons or property growing out of or directly or indirectly resulting from such encroachment or other use for which the permit is sought, and the maintenance, operation, construction, and removal thereof; and if any suit or proceeding shall be brought against the City, at law or in equity, either independently or jointly with such owner on account thereof, the owner will defend the City in any such suit or proceedings without expense to the City; and in the event of a final judgment or decree being obtained against the City, either independently or jointly with the owner, then the owner will pay such judgment or comply with such decree with all costs and expenses of whatsoever nature and hold the City harmless.
3. The Director of Public Works may issue a written notice at any time requesting the encroachment to be removed, thereby revoking the authorization for the encroachment. Upon such notice, the Licensee, or any successor or assign: shall be responsible for the removal of the encroachment; shall bear all costs directly or indirectly associated with the removal; and, shall be responsible for reimbursing the City for all associated removal costs in the event the Licensee, or any successor or assign, fails to remove the encroachment by the notice deadline and the City chooses to remove the encroachment with City forces. Removal bonds shall be required in accordance with the City Code.
4. All costs incident to encroachment to be borne by applicant, including, but not limited to, utilities realignment, street sign replacement, etc., as directed by City Agencies.
5. It shall be the sole responsibility of the applicant to provide the Department of Community Development, Division of Permits and Services (Room 110 City Hall) written evidence that all conditions of the Administrative Approval Process Encroachment Application have been satisfied. Conditions and requirements shall be satisfied at all times from Director's, or designee's, signature or the application/approval becomes null and void.
6. The applicant/owner shall bear all costs for repair, relocation, or replacement of the encroachments in the event of damage or movement due to, but not limited to, vehicular travel, alterations or failure of City utilities, or due to the public's use of the right-of-way.
7. Applicant shall secure proper permits (i.e. Work in Streets Permit required prior to any installation of encroachment), and the work shall be performed in a manner satisfactory to the Directors of Public Works and Community Development.
8. Applicant shall satisfy all other conditions as attached to this application, as contained in the City Charter, and as recommended by the City administration. Upon signing this permit application, the applicant agrees to abide by all applicable provisions of Chapter 90, et. seq. of the City of Richmond, Va. Code and/or as authorized by the building code.
9. Underground fiber optic cable (associated conduit, etc.) or telecommunication encroachments must meet and satisfy fiber optic cable installation policies, requirements of the Division of Permits and Inspections in Public Works, and any franchise requirements (See Code 90-73, 96, 97, 98).
10. Assessor Area Tax of \$0.25 (25 cents) assessed per square/linear foot of encroachment area and collected annually by Assessor's Office.

Applicant's *Printed* Name: _____ Signature: _____

Phone/Fax/E Mail: _____ Date: _____

Owner's Printed Name: _____ **Title:** _____

Owner's Signature: _____ Phone: _____ Date: _____

Owner's Mailing Address: _____

Fax / Email: _____