

## ENCROACHMENT APPLICATION

Case No.: \_\_\_\_\_

Please Print or Type

### I. APPLICANT INFORMATION

\_\_\_\_\_  
Applicant Name Telephone (\_\_\_\_\_) \_\_\_\_\_

\_\_\_\_\_  
Mailing Address E-Mail \_\_\_\_\_

\_\_\_\_\_  
Property Owner Name Telephone (\_\_\_\_\_) \_\_\_\_\_

\_\_\_\_\_  
Mailing Address E-Mail \_\_\_\_\_

### II. PROPERTY INFORMATION

\_\_\_\_\_  
Street Address of Property

\_\_\_\_\_  
Legal Description of the Property

### III. ENCROACHMENT OF STRUCTURE

Width \_\_\_\_\_ Length \_\_\_\_\_

How long has the portion of the structure been located in the alley or street right-of-way? \_\_\_\_\_

### IV. ACKNOWLEDGEMENTS – please initial the following:

\_\_\_\_\_ I certify that I am the legal owner or record or I have secured the property owner’s permission and have full authority to make this application.

\_\_\_\_\_ I certify that I have reviewed and understand the applicable regulations relating to encroachments per Ordinance # 13-060.

\_\_\_\_\_  
Printed Name and Signature of Applicant Date Printed Name and Signature of Property Owner Date

### V. APPLICANT CHECKLIST

- Written narrative of the request  Tax Receipts (one current and one from 50 years ago)
- Survey of the property indicating the encroachment  Application fee of \$25.00
- Written approval from the following utilities: CenterPoint, AT & T, Comcast, Texas Gas Service

<b>DEPARTMENTAL USE ONLY</b>	
APPLICATION ACCEPTED BY: _____	DATE: _____
AMOUNT: _____	REMARKS: _____

**ORDINANCE NO. 13-060**

AN ORDINANCE OF THE CITY OF GALVESTON, AMENDING ORDINANCE NUMBER 10-041; PERMITTING RIGHT OF WAY ENCROACHMENT OF BUILDINGS IN EXISTENCE FOR AT LEAST FIFTY YEARS INTO THE CITY'S ALLEY RIGHTS OF WAY; BY AMENDING THE "*DE MINIMUS*" DISTANCE TO BE LESS THAN 12 INCHES AND ADDING STRUCTURES ADJACENT TO A STREET RIGHTS OF WAY; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, on May 13, 2010, the City Council adopted Ordinance 10-041 allowing for permitting of right of way encroachment of buildings in existence of at least fifty years into the city's alley rights of way; and,

WHEREAS, Staff, recommends amending the *de minimus* distance of less than 6 inches to less than 12 inches. Staff also recommends adding those structures that are adjacent to street right of ways; and,

WHEREAS, many older buildings encroach minimally onto the City's alley rights of way as well as adjacent to city street rights of way, and have done so for over fifty years; and,

WHEREAS, there have been improvements in surveying over the course of time, so that *de minimus* encroachments continue to crop up within the City's alley rights of way and adjacent to city street rights of way; and,

WHEREAS, available alternatives to permitting these long term encroachments, such as licenses to use, are expensive, and abandonments that permanently change the layout of the City's right of way, are undesirable for such long term *de minimus* situations;

WHEREAS, the City Council of the City of Galveston, Texas, deems it in the public interest to amend the *de minimus* distances and add structures adjacent to street rights of way in Ordinance 10-041, all other provisions of Ordinance 10-041 shall remain in effect.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

SECTION 1. That the findings and recitations set out in the preamble to this ordinance are found to be true and correct, and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. That Ordinance 10-041 is amended to read and provide as follows:

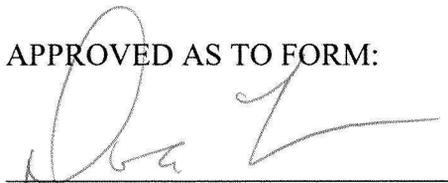
- a. When there are no objections by appropriate City Departments or private utilities,
- b. Structures that encroach minimally on the City's alley rights of way or are adjacent to street rights of way, for distances of less than 6 12 inches, which do not intrude over utility, water or sewer lines, and do not interfere with private utilities or otherwise adversely affect the health safety or welfare of the public,
- c. Shall be permitted without annual charge during the time that the structure continues to exist in its current state,
- d. However, if and when the structure is moved, at least 50% destroyed (by value) or demolished for any reason, any new structure shall be constructed within the property boundaries and in compliance with all City regulations,
- e. Ownership of the alley right of way or street rights of way shall at all times remain in the City of Galveston, and
- f. The applicant for such right of encroachment shall agree to indemnify the City for any claims made against it arising out of the encroachment.
- g. The applicant shall pay the administrative fee provided for "encroachment letters" set out in the Zoning Regulations.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 5. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

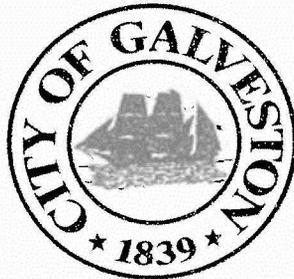


DONNA M. FAIRWEATHER  
ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by

the City Council of the City of Galveston at its regular meeting held on October 24, 2013 as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 4 day of November, 2013.



Annelle Williams  
Secretary for the City Council  
Of the City of Galveston