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 THEREETO.
________________________________________
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: