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.

<table>
<thead>
<tr>
<th>Date of Application:</th>
<th>________________________</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Applicant:</td>
<td>__________________________________________________________</td>
</tr>
<tr>
<td>Address:</td>
<td>__________________________________________________________</td>
</tr>
<tr>
<td>Contact Number(s)</td>
<td>(1)_________________ (2) _______________ (3) _________________</td>
</tr>
<tr>
<td>Owner of Property:</td>
<td>__________________________________________________________</td>
</tr>
<tr>
<td>Address:</td>
<td>__________________________________________________________</td>
</tr>
<tr>
<td>Contact Number(s)</td>
<td>(1) _______________ (2) _______________ (3) ___________________</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>(   ) Chain Link</th>
<th>Height ___________</th>
<th>Linear Footage ___________</th>
</tr>
</thead>
<tbody>
<tr>
<td>(   ) Cinder Block</td>
<td>Height ___________</td>
<td>Linear Footage ___________</td>
</tr>
<tr>
<td>(   ) Wood</td>
<td>Height ___________</td>
<td>Linear Footage ___________</td>
</tr>
<tr>
<td>(   ) Metal</td>
<td>Height ___________</td>
<td>Linear Footage ___________</td>
</tr>
<tr>
<td>(   ) Other</td>
<td>Height ___________</td>
<td>Linear Footage ___________</td>
</tr>
</tbody>
</table>

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: