

PROCEDURES AND REQUIREMENTS FOR REQUESTING AN ENCROACHMENT AGREEMENT
For Permanent Encroachments of Private Structures into Public Right-of-Way

City of Austin
Office of Real Estate Services
Effective: January 8, 2019

An Ordinance amending City Code Chapter 14-11 related to permanent encroachments in the public right-of-way was adopted in Ordinance No. 201340808-021 on August 8, 2013.

The following process and application shall not be used for encroachments over easements (e.g., public utility easements, drainage easements, water line easements). Encroachments over easements require a license agreement. An application packet for license agreements can be obtained from the Office of Real Estate Services.

Please mark and include this checklist to insure that all materials are submitted, in order to help expedite your request:

_____ Please verify and ensure that the proposed area of encroachment lies within the City's jurisdiction. **The Encroachment Agreement application fee is non-refundable** once the application is processed.

_____ In most cases, S.M.A.R.T. Housing Projects are ineligible for Encroachment Agreement application fee waivers. If you believe your project to be eligible for application fee waivers, please provide a copy of your S.M.A.R.T. Housing Certification (Neighborhood Housing 4-10-07) for consideration.

_____ If you are submitting your encroachment request in conjunction with a commercial/residential development project, a site plan should already be submitted prior to submitting your encroachment request. Some encroachment application reviewers will postpone reviewing your request until the site plan has been submitted.

_____ City Council adopted the Imagine Austin Comprehensive Plan in 2012, establishing Priority Programs and policy directives which direct the growth and development of the City. Applicants should be aware that requests for permanent right-of-way encroachments are reviewed not only for compliance with City Code, but also within the context of the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan.

It is strongly recommended that applicants review Chapter 4 of the Imagine Austin Comprehensive Plan ("Shaping Austin"), and be prepared to demonstrate how a proposed permanent encroachment will support the objectives stated therein. The Priority Programs (as listed below) can also be found on page 186 of the Imagine Austin Plan:

1. Invest in a compact and connected Austin.
2. Sustainably manage our water resources.
3. Continue to grow Austin's economy by investing in our workforce, education systems, entrepreneurs, and local businesses.
4. Use green infrastructure to protect environmentally sensitive areas and integrate nature into the City.
5. Grow and invest in Austin's creative economy.
6. Develop and maintain household affordability throughout Austin.
7. Create a Healthy Austin Program.

_____ **Provide a transmittal letter explaining in detail the reason for the Encroachment Agreement,** and answering the following questions:

1. Is this a residential or commercial project?
2. How was the area of encroachment dedicated? By plat or by separate instrument?
3. Did the City purchase the area where the proposed encroachment would be located? (i.e., by Street Deed)

4. Does the encroachment currently exist, or is it only proposed on paper?
5. Are there any utility lines within the proposed encroachment area? If yes, what are your plans for the utilities? Relocation of utility lines must be at the applicant's expense.
6. How do you plan to develop the proposed encroachment area?
7. Has a site plan been submitted on your project? If not, is the project exempt from the site plan process?
8. Is your project a Unified Development?
9. Is your project a S.M.A.R.T. Housing Project?
10. When do you anticipate starting construction of the development?
11. What is the current status of the adjacent properties?
12. What type of parking facilities currently exist?
13. Does the area of encroachment lie within UT boundaries: East of Lamar Boulevard, west of IH-35, north of Martin Luther King Boulevard, and south of 45th Street?
14. Does the area of encroachment lie within Downtown boundaries: East of Lamar Boulevard, west of IH-35, north of Lady Bird Lake, and south of Martin Luther King Boulevard?
15. Does the proposed encroachment support the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan? If so, how?

_____ Provide a fully completed application (see attached example). (If any sections of the application do not apply, simply mark N/A.)

_____ Parcel ID number information can be found on your tax bill, or by calling the Travis County Appraisal District at (512) 834-9138.

_____ If a landowner is a commercial entity and tenants occupy the premises, we require a list of all tenant names and addresses for public notification.

_____ Provide a \$7,800.00 non-refundable processing fee, payable to "City of Austin". If paying by personal check, please include date of birth and driver's license number on the check. This fee was established by Ordinance No. 20130822-027 to be paid by all applicants, including governmental entities.

_____ If the proposed encroachment area was dedicated and recorded by separate instrument, a copy of said instrument must accompany the application.

_____ Provide an original signed and sealed survey. Please see Instructions for Surveyor (EXHIBIT A). Three-dimensional (3-D) surveys are required for aerial and subsurface encroachments.

_____ Provide a location map.

_____ **Provide 24" x 36" blueline site plan/construction drawings and detailed plans.** See **EXHIBIT B** and follow the instructions as they pertain to the drawings and plans.

_____ Provide a color satellite photo of the encroachment area.

_____ **Please make an appointment for Encroachment Agreement applications in the Downtown Area.** Improvements made in the Downtown Area are considered a "non-standard" design and any bluelines submitted should reflect the actual condition of the proposed encroachment area. Downtown Area boundaries are: East of Lamar Boulevard, west of IH-35, north of Lady Bird Lake, and south of Martin Luther King Boulevard.

_____ **Provide tenant/owner information.** If a Tenant is filing the Encroachment Agreement application, then the Owner must consent to the Encroachment Agreement and the Owner shall be responsible for said agreement upon the expiration or termination of lease with Tenant.

_____ **Provide documentation of signature authority.** Applicant must provide a Corporate Resolution, Partnership Agreement, or Sole Proprietor Document designating the authorized signatory to execute documents on behalf of the entity. If a form for designation of authority is needed, please refer to **EXHIBIT C** to determine the type of document needed. The form submitted must be up-to-date.

_____ **Provide a lien search certificate.** Once Applicant has received preliminary approval of the permanent encroachment, Applicant must provide a third-party lien search certificate not older than two weeks. This certificate must provide the following information: **(1)** Current owner's name; **(2)** Legal description of the owner's property adjacent to the proposed encroachment area; **(3)** Lienholder information, or a statement that there are no liens; **(4)** Copies of all documents shown on the lien search certificate. Lienholders will be required to consent to the Encroachment Agreement. Our office will prepare this consent document.

_____ Provide a copy of the owner's recorded Deed (Warranty Deed or Special Warranty Deed) and any recorded lienholder documents in the real property records of the Texas county where the encroachment area is located.

NOTE: The City of Austin will no longer place files on hold indefinitely. Inactive files will be closed and the application fee will be retained by the City if deadlines are not met. These applications will be considered null and void.

Please schedule an appointment to discuss your Encroachment Agreement request. Appointments may be scheduled for between the hours of 10 a.m. and 4:00 p.m. Please contact:

Andy Halm, (512) 974-7185
Mashell Smith (512) 974-7079
landmanagement@austintexas.gov

Drop off applications to:

City of Austin
Office of Real Estate Services
505 Barton Springs Road, Suite 1350
Austin, Texas 78704
Attn: Land Management Division

Call for address if you prefer to mail (512) 974-7079

ENCROACHMENT AGREEMENT POLICIES & PROCEDURES
(Subject to Change)

STAKEHOLDER REVIEW PROCESS:

- **Review.** Upon City receipt of a complete Encroachment Agreement application, your request and materials will be distributed to City departments and franchise holders for a two-week review period. If a site plan has not been submitted prior to submitting your request, some reviewers may postpone reviewing your request until it has been submitted.
- **Negative Comments.** Applicant will be notified immediately to clear any negative reviewer comment(s) to a YES.
- **Deadlines on Outstanding Comments or Objections.** Upon receiving comments from the final reviewer(s), Applicant is given a four-week deadline to clear any outstanding negative comments or objections. If an extension is required, a request must be provided to the City in writing. **If Applicant's response is not received by this deadline, the file will be automatically closed, the application will be considered null and void, and the application fee will be retained by the City.**

COMMISSION REVIEW AND APPROVAL PROCESS:

- If it is determined that additional review of the proposed encroachment is necessary, the Director shall submit the encroachment request to the appropriate Land Use Commission for review and recommendation to Council. If your request must be reviewed by the Land Use Commission, you will be notified as soon as possible.
- **Planning Commission *or* Zoning and Platting Commission.** After all negative comments and/or outstanding issues with your application have been resolved and the review process is complete, our office will schedule your item on the agenda for the next available meeting of whichever of these Commissions is determined appropriate. The Planning Commission meets on the **first and third Tuesday** of each month. The Zoning and Planning Commission (ZAP) meets on the **second and fourth Tuesday** of each month. Applicants are required to attend this meeting to answer any questions that arise regarding your project.

APPRAISAL:

- **Appraisal Cost.** An appraisal may be prepared by Office of Real Estate appraisal staff, or a third-party independent appraiser will be engaged for more complex projects. The appraisal process may take up to 90 days. Upon staff request for an appraisal of the encroachment area, we will receive a cost estimate for conducting the appraisal process and will notify Applicant of this cost. Applicant must submit payment for the cost of conducting a complete appraisal. After receiving payment, staff will engage an in-house or third-party appraiser to begin the appraisal process.
- **Appraisal.** Upon staff receipt of the final appraisal, Applicant will be notified of appraised value and can request a summary memo. The appraised value is considered good for six months.

SCHEDULE FOR CITY COUNCIL ACTION:

- **Council Action.** Requests for Council Action on any item may require scheduling five weeks in advance of the designated City Council meeting.
- **Appraised Value.** Our office must receive a certified check in the amount of the appraised value of the proposed encroachment before a Request for Council Action is submitted for scheduling. **The check will be deposited into a balance sheet account and will remain in**

this account until Council approves the Encroachment Agreement. Should your request be denied by Council, a refund will be issued.

FINAL APPROVAL

After Council Approval:

- Applicant must provide a Lien Search Certificate.
- An Encroachment Agreement will be prepared by staff.
- Applicant will be contacted when the Encroachment Agreement and Lienholder Consent (if applicable) are ready for execution.
- The following documents must be received before final execution by the Officer of Real Estate Services. (1) Signed Encroachment Agreement. (2) Lienholder Consent (if applicable). (3) Lien Affidavit. (4) Certificate of Insurance for General Liability as noted in the Agreement. **This Certificate must name the City of Austin as an additional insured.**

Please submit these required documents to:

City of Austin
Office of Real Estate Services
505 Barton Springs Road, Suite 1350
Austin, Texas 78704
Attn: Land Management Division

- Applicant is responsible for and shall incur any costs associated with recording the executed Encroachment Agreement with the real property records of the Texas county where the encroachment is located.
- **Council Denial.** If the encroachment request is denied by City Council, a refund for the appraised value paid to the City will be issued.

Application for an Encroachment Agreement

File No. _____
Department Use Only

DATE: _____
Department Use Only

1. TYPE OF ENCROACHMENT

Encroachment Type: _____ <input type="checkbox"/> <u>Aerial</u> _____ <input type="checkbox"/> <u>Sub-surface</u> _____ <input type="checkbox"/> <u>Surface</u>
List TYPE OF ENCROACHMENT to be placed on Public Property: _____ _____
Has encroachment been installed prior to application: _____ Yes _____ No
Adjoins property at the following street address: _____

2. PROPERTY DESCRIPTION OF ENCROACHMENT AREA

Parcel #: _____
Survey & Abstract No. _____
Lot(s) _____ Block _____ Outlot _____
Subdivision Name: _____
Plat Book _____ Page Number _____ Document Number _____
County/Records: _____ County; Deed Real Property Official Public
NOTE: Attach three dimensional metes and bounds survey of Encroachment area.

3. RELATED CASES

	FILE NUMBERS
Existing Site Plan: YES / NO	_____
Subdivision: Case: YES / NO	_____
Building Permit: YES / NO	_____

4. APPLICANT INFORMATION

Name: _____
Firm Name: _____
Address: _____ City: _____ State: _____
Zip: _____ Phone: (____) _____ Fax No.: (____) _____
EMAIL ADDRESS: _____

5. DEVELOPER INFORMATION

Name: _____
Firm Name: _____
Address: _____ City: _____ State: _____
Zip: _____ Phone: (____) _____ Fax No.: (____) _____

6. LANDOWNER INFORMATION

Name: _____ (as shown on Deed)
Address: _____ City: _____ State: _____
Zip: _____ Phone: (____) _____ Fax No.: (____) _____
Lienholder Name: _____
Lienholder Address: _____
Lienholder Phone Number: _____ Fax Number: _____
(If multiple owners are joining in this request – complete names, addresses on each, must be attached.)

7. LICENSEE INFORMATION, if other than Landowner (Tenant)

Name: _____
Address: _____ City: _____ State: _____
Zip: _____ Phone: (____) _____ Fax No.: (____) _____
Contact Person: _____ Phone: _____

I the undersigned Applicant declare that the information provided in this application is true and correct. I have read and understand that the processing of this Application will be handled in accordance with the Procedure for Requesting an Encroachment Agreement and that no action on processing will be taken without payment of the non-refundable processing fee. I understand that acceptance of this application and fee in no way obligates the City to enter into an Encroachment Agreement. I understand that the value of the Right-of-Way, if allowed to be encroached, will be determined by the City of Austin, Real Estate Services Division, a certified check will be required before scheduling an agenda item for Council review and Certificate of Insurance must be presented before an agreement, if approved, is executed. It is further understood that the City is not responsible for any cost or inconvenience incurred by the Applicant when the application is not approved.

Signed By: _____
Applicant

- Please check the appropriate box.
- Landowner
 - Tenant
 - Agent for Landowner
 - Agent for Tenant

EXHIBIT "A"

INSTRUCTIONS FOR SURVEYORS

RIGHT-OF-WAY ENCROACHMENT DESCRIPTIONS

It is the responsibility of the owner/applicant for the encroachment request to provide the surveyor with these guidelines and requirements. Copies of the application for right-of-way encroachments and these guidelines are available on the City of Austin website: <http://www.austintexas.gov/realestate>

Survey Information:

An original survey (**field notes and sketch**) must be prepared, signed ("**blue ink**") and sealed by a registered surveyor following these guidelines:

- 1) Prepare on 8½" x 11" white bond paper.
- 2) Metes and bounds description should be in accordance with current City of Austin Field Note Guidelines of the proposed encroachment area. **A copy is available upon request.**
- 3) Include a sketch of the proposed encroachment area as a whole.
- 4) If the proposed encroachment area was dedicated and recorded by separate instrument, the volume and page must be reflected on both the sketch and metes and bounds description.

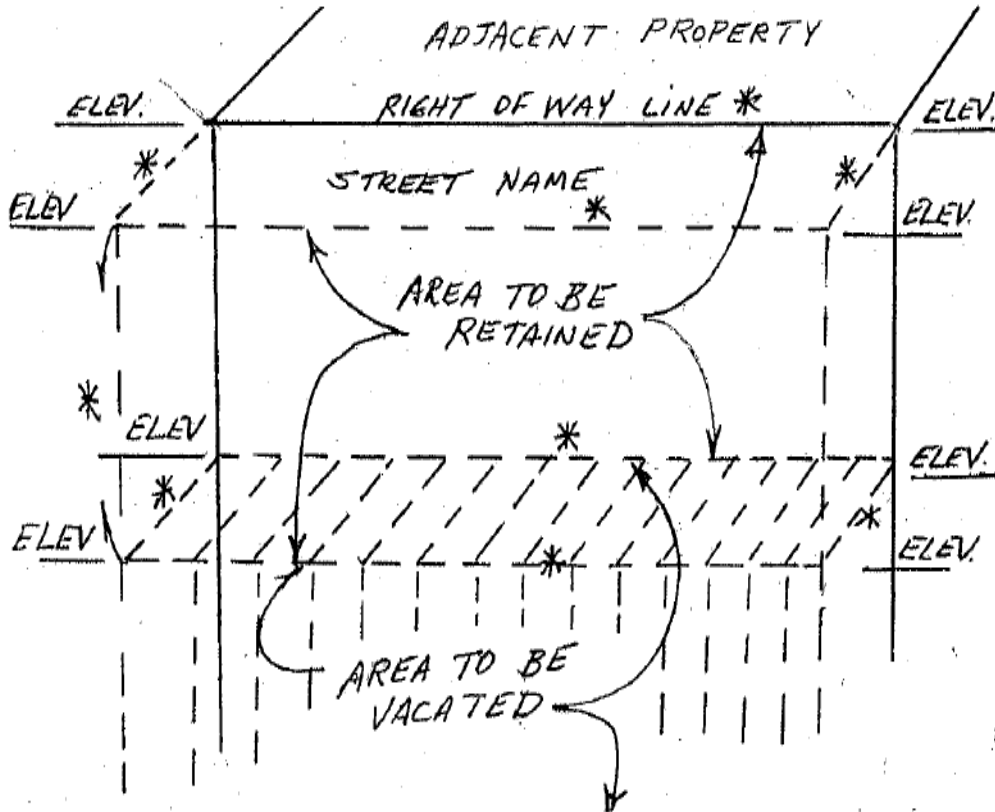
Aerial and Subsurface Encroachments:

Street right-of-way extends above the ground level and below the ground level. It is possible to define by legal description an area of aerial or subterranean space. Please include the elevation above and below which the local government could relinquish the public's right in the public right-of-way. Provide in addition the proposed surface elevation within the right-of-way at the encroachment.

In order to define this area without ambiguity **both a horizontal and vertical exhibit is required**. It is a three dimensional space essentially without a height above or depth below limitation unless stipulated. A universal vertical datum would also be required with area benchmarks referenced. In the case of Austin, Texas, this would be based on the North American Vertical Datum of 1988 - NAVD 88 (Geoid 09), the current model. The elevations shown on the sketch must be reproducible now and into the future.

In order to define the area above or below certain elevations, **a profile exhibit is required in addition to the horizontal exhibit (sketch to accompany field notes)**. Below is an example of a vertical component exhibit defining an area below street level which would meet these conditions and requirements. The sketch for each application will obviously have to be customized for the given situation.

Example of Sketch for Aerial and Subsurface Encroachments:



Notes:

1. B. M. Notes
2. Vertical Datum details
3. Lines in ROW are perpendicular to centerline or radial to curve
4. Distances and directions on all lines (*)

ALL SURVEY DOCUMENTS PROVIDED MUST BE ORIGINALS

If your surveyor has questions, they may contact John Moore at (512) 974-7177, Clark Daniel at (512) 974-7793, or Gary Glover at (512) 974-1416.

NOTE: Please call our office for information regarding surveys in the Downtown Area. This information needs to be provided to your surveyor.

EXHIBIT "B"

24" X 36" BLUELINE CONSTRUCTION DRAWINGS AND DETAILED PLANS

Plans not containing the required information will slow the process and will require plans to be modified to City of Austin ("City") standards or may be returned.

- An engineer or architect must sign, seal and date all plans, certifying at the time of submittal that the improvements will meet ADA criteria.
- Plans should include all existing water and wastewater mains, service lines, meter and cleanout locations. Information can be obtained from Austin Water Utility's Maps and Records and Taps Office at the Waller Creek Center, located at 625 East 10th Street.
- All submittals must comply with City, State, and Federal laws.
- Submittals must meet the minimum criteria, standards, and guidelines in all City manuals. This includes but is not limited to City Standards & Specifications, the Transportation Criteria Manual (TCM), and the Environmental Criteria Manual (ECM).
 - City Standards Manual:
<https://library.municode.com/index.aspx?clientId=15309>
 - City Standard Specifications Technical Manual:
<https://library.municode.com/index.aspx?clientId=15308>
 - City Environmental Criteria Manual (ECM):
<https://library.municode.com/index.aspx?clientId=15306>
 - City Transportation Criteria Manual (TCM):
<https://library.municode.com/index.aspx?clientId=15310>

These Code documents and more can be found at <https://www.municode.com/library/tx/austin>, or at <http://austintexas.gov/department/online-tools-resources>, under "City Codes".

Please note that all the above links are current as of the effective date of this application, but may have been updated or moved in the interim.

- **Drawings and Plans must include:**
 - 1) All spatial dimensions to detail the full extent of the Improvements.
 - 2) A profile view.
 - 3) A North arrow
 - 4) Drawn to scale and fully annotated.
 - 5) Adherence to other basic practices of traditional engineering.
- **Submit plans in the following format for review:**
 - _____ 3 folded sets of plans (24" x 36")
 - _____ 2 reduced copies of plans (11" x 17")
 - _____ 2 soft copies of plans (CD-ROM or flash drive)

EXHIBIT “C”

In order for staff to prepare the legal documents, the Law Department requires the following information and documentation. The company name provided should be complete and accurate as to spelling and style, and its Entity formation state and type noted.

If *title* or *ownership* is in the name of a **CORPORATION**

A current Resolution of Corporate Authority documenting who is authorized to sign on behalf of the corporation. The name of the corporation should be complete and accurate as to spelling and style.

If *title* or *ownership* is in the name of a **LIMITED PARTNERSHIP**

A copy of Partnership Agreement documenting name and title of the current **General Partner** authorized to sign for the partnership.

- a) If the **General Partner** is a corporation, a Resolution of Corporate Authority will be required.

If *title* or *ownership* is in the name of an **PARTNERSHIP OR JOINT VENTURE**

A copy of the Partnership Agreement documenting name and title of the managing partner or person authorized to sign for the partnership.

If *title* or *ownership* is in the name of an **LIMITED LIABILITY COMPANY**

A current Resolution of Corporate Authority documenting who is authorized to sign on behalf of the company.

If *title* or *ownership* is in the name of an **INDIVIDUAL(s)**

Complete name(s) and address(es) are required.

If *title* or *ownership* is a **DBA**

Provide a copy of the Assumed Name Records Certificate of Ownership for Unincorporated Business or Profession.

Resolution of Corporate Authority

I, _____ {name}, the undersigned **Secretary** of _____ {name of corporation} the "Corporation", hereby certify that:

Corporation is a corporation duly organized and existing under the laws of the State of _____. The following is a true and accurate transcript of a Resolution adopted at the _____ {date} Board meeting. The Corporation's Board of Directors adopted the Resolution, which is contained in Corporation's minute book, at a duly authorized board meeting. A quorum of Corporation's Board of Directors was present at the entire board meeting and all actions taken at the meeting complied with Corporation's charter and by-laws. The Resolution has not been amended or revoked on the date signed below, and remains in full force and effect.

Resolved, that _____ {name} _____ {title} of _____ {name of corporation}, be and hereby is empowered to sign any and all documents, to take such steps, and to do such other acts and things, on behalf of said Corporation, as in his/her [strike one] judgment may be necessary, appropriate or desirable in connection with any Encroachment Agreement entered into with the City of Austin affecting the real property described as:

A subdivision of Travis County, Texas, according to the map or plat of record in Volume _____, Page _____, of the Plat Records of Travis County, Texas, "Property".

Resolved, that all transactions with the City of Austin involving an Encroachment Agreement affecting the Property by any of the officers or representatives of the Corporation, in its name and for its account, prior to the adoption of these resolutions, are hereby ratified and approved for all purposes.

Signed and sealed on _____, 20_____.

Secretary

STATE OF TEXAS §
COUNTY OF TRAVIS §

Before me, _____ (name) the undersigned Notary Public of the State of Texas, on this day personally appeared _____, [choose one] {known to me **or** proved to me through _____ (TDL#)}, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that s/he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, A.D. 20__ .

Notary Public, State of Texas

Note: **Resolution of Corporate Authority must authorize the President or a Vice President to act on behalf of the corporation, and be signed by, attested, and dated by the corporate Secretary no earlier than three months before date of the Encroachment Agreement.**

Resolution of Corporate Authority for General Partner

I, _____ {name}, the undersigned **Secretary** of _____ {name of corporation} the "Corporation", hereby certify that:

Corporation is a corporation duly organized and existing under the laws of the State of _____. The following is a true and accurate transcript of a Resolution adopted at the _____ {date} Board meeting. The Corporation's Board of Directors adopted the Resolution, which is contained in Corporation's minute book, at a duly authorized board meeting. A quorum of Corporation's Board of Directors was present at the entire board meeting and all actions taken at the meeting complied with Corporation's charter and by-laws. The Resolution has not been amended or revoked on the date signed below, and remains in full force and effect.

Resolved, that _____ {name} _____ {title} of _____ {name of corporation}, be and hereby is empowered to sign any and all documents, to take such steps, and to do such other acts and things, on behalf of said Corporation, acting in its capacity as General Partner of _____ {name of Partnership}, a _____ {state} Limited Partnership, as in his or her judgment may be necessary, appropriate, or desirable in connection with any Encroachment Agreement entered into with the City of Austin affecting the real Property described as:

a subdivision of Travis County, Texas, according to the map or plat of record in Volume _____, Page _____, of the Plat Records of Travis County, Texas, "Property".

Resolved, that all transactions with the City of Austin involving an Encroachment Agreement affecting the Property by any of the officers or representatives of the Corporation, in its name and for its account, prior to the adoption of these resolutions, are hereby ratified and approved for all purposes.

Signed and sealed on _____, 20_____.

Secretary

STATE OF TEXAS §
COUNTY OF TRAVIS §

Before me, _____ (name) the undersigned Notary Public of the State of Texas, on this day personally appeared _____, [choose one] {known to me **or** proved to me through _____ (TDL#)}, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that s/he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, A.D. 20_____.

Notary Public, State of Texas

Note: **Resolution of Corporate Authority must authorize the President or a Vice President to act on behalf of the corporation, and be signed by, attested, and dated by the corporate Secretary no earlier than three months before date of the Encroachment Agreement.**

Resolution of Corporate Authority for a Limited Liability Company

I, _____ {name}, the undersigned **Manager** of the license that is the member of _____ {name of limited liability company} the "Company", hereby certify that:

Company is a limited liability company duly organized and existing under the laws of the State of _____. The following is a true and accurate transcript of a Resolution adopted at the _____ {date} Member meeting. The Company's Members adopted the Resolution, which is contained in Company's minute book, at a duly authorized meeting. A quorum of Company's Members was present at the entire meeting and all actions taken at the meeting complied with Company's charter and by-laws. The Resolution has not been amended or revoked on the date signed below, and remains in full force and effect.

Resolved, that _____ {name} _____ {title} of _____ {name of Company}, is empowered to sign any and all documents, to take such steps, and to do such other acts and things, on behalf of said Company, as in his/her [strike one] judgment may be necessary, appropriate or desirable in connection with any Encroachment Agreement entered into with the City of Austin affecting the real property described as:

a subdivision of Travis County, Texas, according to the map or plat of record in Volume _____, Page _____, of the Plat Records of Travis County, Texas, "Property".

Resolved, that all transactions with the City of Austin involving an Encroachment Agreement affecting the Property by any Members of the Company, in its name and for its account, prior to the adoption of these resolutions, are hereby ratified and approved for all purposes.

Signed and sealed on _____, 20_____.

{Seal}

Member

STATE OF TEXAS §
COUNTY OF TRAVIS §

Before me, _____ (name) the undersigned Notary Public of the State of Texas, on this day personally appeared _____, [choose one] {known to me or proved to me through _____ (TDL#)}, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that s/he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, A.D. 20_____ .

[SEAL]

Notary Public, State of Texas

Note: **Resolution of Corporate Authority for an LLC must authorize the Manager or a Member to act on behalf of the limited liability corporation, and be signed by, attested, and dated by a Member no earlier than three months before date of the Encroachment Agreement.**