



## Transportation and Public Works Department

P.O. Box 1088 Austin, TX 78767  
512-974-1150

# Encroachment Agreement Application Submittal Review Process

LandManagementROW@AustinTexas.gov | Phone: 311 (or 512-974-2000 outside Austin)  
For submittal and fee information, see [www.austintexas.gov/department/land-management](http://www.austintexas.gov/department/land-management)

### For Permanent Encroachments of Private Structures into Public Right-of-Way Effective: December 2023 (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 stakeholders 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 an Approved or Approved with Conditions.

**Deadlines on Outstanding Comments or Objections:** Upon receiving final review comments, Applicant is given a four-week deadline to clear any outstanding negative comments or objections. If an extension is required, a request must be submitted to the City of Austin 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 of Austin.

**Public Notice:** Per code public notice is distributed to any registered neighborhood organizations, the neighborhood plan contact team whose boundaries are within all or a portion of the encroachment area and any possible tenants. Staff will prepare the notice and distribute via certified mail-return receipt requested. Applicant must reimburse the City of Austin for the cost of notice.

#### 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 when appropriate. Transportation and Public Works Director may also determine the file should be heard at other commissions such as Downtown Commission, Design



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Commission, etc. Applicants are required to attend meetings to answer any questions that arise regarding the project.

### APPRAISAL

**Appraisal Cost:** An appraisal may be prepared by City of Austin Real Estate Services appraisal staff, or a third-party independent appraiser. 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 appropriate appraiser to begin the appraisal process.

**Final 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.

### HOUSE BILL 1295

As part of signing an encroachment agreement the Landowner (if a commercial entity) must complete HB 1295 prior to the item being heard by Austin City Council. HB 1295 states a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties. Additional information can be found on the Texas Ethics Commission website [295 Filing Info \(state.tx.us\)](http://295.Filing.Info.state.tx.us)

### 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:** Payment must be paid through A, B + C in the amount of the appraised market value of the proposed encroachment before a Request for Council Action is submitted for scheduling. Should your request be denied by Council, a refund of the market value 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 if applicable, a Lienholder Consent is ready for execution.



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- The following documents must be received before final execution.
  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  
Transportation & Public Works  
6310 Wilhelmina Delco  
Austin, Texas 78752  
Attn: Land Management Division

- The applicant is responsible 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.