

WHAT IS A LICENSE AND HOLD HARMLESS AGREEMENT

A license issued by the City of Amarillo that allows a person to encroach (extend or build beyond proper limits) on public rights-of-way or easements. Some typical encroachments are:

- Concrete ramps, used for loading and unloading merchandise, built on City right-of-way
- Private communication lines spanning a street or alley
- Planter boxes built on City right-of-way
- Encroachment of buildings or structures into City right-of-way
- Private drainage systems connected into City storm sewers

If a person were injured or if property were damaged due to the encroachment on City right-of-way, a license and hold harmless agreement relieves the City of any liability.

STEPS TO RECEIVE A LICENSE AND HOLD HARMLESS AGREEMENT

1. The applicant must submit the following items to the City Planning Department:
 - A completed application form and filing fee
 - A metes and bounds legal description of the encumbered property
 - A site plan showing the encumbrance
 - A section profile plan detailing the encumbrance
2. The applicant must either provide an appraisal from a licensed real estate appraiser or have the City appraise the land being encroached upon.
3. The above items are reviewed by various City departments and local utility companies to determine if the request is appropriate.
4. The Planning Department reviews the application and comments from City departments and utility companies. If in order, the City Legal Department prepares a legal instrument describing the details of the agreement.
5. Upon signing the license and hold harmless agreement, the applicant pays the Planning Department an annual license fee. (See Back Page)
6. The Planning Department forwards the request together with a staff recommendation to the City Manager for consideration.
7. If the City Manager approves the request, the applicant may proceed to encumber the right-of-way or easement.
8. If the request is approved the Planning Department will bill the applicant annually for the license cost of the encumbrance.
9. If the City Manager denies the request, the annual fee is refunded, or the applicant may appeal the decision to the City Commission.
10. If the City Commission denies the request, the annual license fee will be refunded to the applicant.

FOR DETAILS CONTACT:

Planning Department
Room 206, City Hall
P.O. Box 1971
Amarillo, Texas 79186
(806) 378-3000

ANNUAL LICENSE FEES

The approval of a license and hold harmless agreement requires the applicant to pay an annual license fee based on:

1. The type of encroachment:
 - a) above surface, such as an elevated crosswalk,
 - b) surface, such as a fence or building,
 - c) below surface, such as an underground tunnel.
2. The amount of right-of-way built upon.
3. The appraised fair market value of the property.

The minimum annual fee for a license and hold harmless agreement is \$250. Annual license fees are calculated as follows:

Surface Encroachments and Air Space Encroachments:

For a private license authorizing an encroachment at or above the sidewalk level, the annual license fee is 7% of the fair market value of the property.

Subsurface Encroachments:

For a private license to use sub-surface area, the annual license fee is 2% of the fair market value of the property.

City of Amarillo
Planning Dept.
P.O. Box 1971
Amarillo, Tx. 79186 - 0001

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Planning Department
City of Amarillo, Texas