

Encroachment Application

REQUESTS SUBMITTED THAT DO NOT CONTAIN THE SPECIFIED INFORMATION WILL NOT BE REVIEWED
(Deficiencies will be identified and a revised package can be resubmitted)

DEC - 3100 West Alabama
Houston, TX 77098
Attn: WHCRWA

Date

OWNER'S AUTHORIZED REPRESENTATIVE/ENGINEER: *(Print or Type Only)*

Individual Name	Company Name	Phone Number	
<hr/>			
Address	City	State	Zip Code
<hr/>			
Email	Owner's Authorized Representative: Title	Owner's Representative Signature	

LEGAL NAME OF FACILITY OWNER REQUESTING PERMISSION TO ENCROACH:

Company Name and Company Representative	Phone Number	Email	
<hr/>			
Address	City	State	Zip Code

Please select Yes or No: Applicant certifies this is a true and correct response.

Have you performed any construction activities in a WHCRWA easement? **YES** **NO** (must select YES or NO prior to emailing form to WLine - to deselect click again or press clear form button)
If yes, no additional work can proceed until an encroachment approval document is in place.

SUBMITTAL REQUIREMENTS: See Page 1 (Checklist) and Page 2 (General Construction Plan Requirements) of this Application for more information.

Type of Development & Associated Fees Selection

**Fee

List All Proposed Encroachments

CHECK ALL THAT APPLY - THE FEES WILL AUTOPOPULATE AND CALCULATE THE TOTAL FEES DUE TO BE SUBMITTED WITH THE APPLICATION TO THE WHCRWA

Master planned development - \$4,500*
Single site-commercial - \$2,500
Single site-residential - \$250
Single perpendicular crossing of utility, drainage feature, or roadway - \$750
Multi-family development - \$2,000
Expedited Review Fee - \$3,000
Existing Encroachment Review Fee - \$3,000

*For Master planned developments a meeting with DEC is required. DEC will contact you for availability.

**Additional review fees may be required as determined on a case-by-case basis.

*****TOTAL**

***Checks for fees should be made payable to West Harris County Regional Water Authority (WHCRWA) and delivered to DEC at the address listed in the checklist.

The undersigned Property Owner authorizes WHCRWA to contact the Representative/Engineer authorized above to represent the Owner's interest regarding this Application. The Owner certifies the information provided is true and correct and acknowledges that incomplete information may delay processing or invalidate this Application.

By: _____
Property Owner (Printed Name)

Signature: _____

Title: _____



(revised February 2023)

You will receive an automated response indicating your submittal has been received.

WHCRWA Encroachment Application Checklist

Only complete applications will be accepted. Incomplete applications will delay review of your plans and processing of your encroachment request. **To be considered complete, the following must accompany your Request for Encroachment Application:**

- ✓ Review Fee – All checks should be made payable to the West Harris County Regional Water Authority (WHCRWA).
All checks should be delivered to DEC at the address as listed below:

West Harris County Regional Water Authority (WHCRWA)
c/o DEC
3100 West Alabama
Houston, TX 77098
Attn: DEC ROW Manager

- ✓ Project plans
 - If work has already started, applicant must provide certified as-built drawings signed by a registered surveyor.
 - If this is part of a master planned development, applicant must provide an architectural site plan over the entire development or land plan for the entire development (including all sections of the development).
- ✓ Title report for the subject property (parent tract where the WHCRWA easement and proposed encroachment are located), **no older than 30 days.**
- ✓ Copy of the vesting deed reflecting current ownership listed in the title report.
- ✓ If available, provide an address for the project location.
- ✓ Vicinity map showing the general location of your project that is the subject of this Encroachment Application. Vicinity Map should include major cross streets adjacent to encroachment area. Label major landmarks including channels to facilitate placement of location. Show WHCRWA easement area in vicinity map.
- ✓ List of all encroachments for which you are requesting approval to construct within WHCRWA's easement(s). Any crossing or parallel permanent structure, utility, drainage structure, drainage swale, fill, pavement, parking, landscaping, or irrigation is considered an encroachment and should be listed. Include at grade, aerial, and below grade features.
- ✓ Encroachment Exhibit: a sketch to scale on 8½ x 11 showing all proposed encroachments, with the WHCRWA easement (including recording information) and proposed encroachment(s) clearly labeled. Distance clear between any encroachments and the WHCRWA facilities must be clearly indicated in plan and profile view. You may need more than one 8½ x 11 sheet. If so, label page numbers. Include north arrow, date, and reference the construction plan set date. Exhibit should be based on engineering plans.
 - If additional encroachments are identified during the plan review process, you must update the Encroachment Exhibit.
 - If your request is approved, the Encroachment Exhibit will be incorporated into the encroachment approval document.
- ✓ Form 1295, signed by the landowner that will execute the encroachment approval document with the WHCRWA.
 - Neither DEC nor WHCRWA maintains this form. See link below for location where you can download and fill out the form.

<https://www.ethics.state.tx.us/filinginfo/1295/>

The responses to questions 2 and 3 on the Form 1295 should be as follows:

#2. Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

- **West Harris County Regional Water Authority**

#3. Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

- **Encroachment approval document – Project description**
- **Encroachment into WHCRWA Easement. Include address of project if available.**

General Construction Plan Requirements for WHCRWA Encroachments

General construction plan requirements include the following:

- Show WHCRWA easement(s), including any temporary easements, with recording information on all plan sheets.
- No trees are allowed in the easement. Landscaping and associated appurtenances are subject to removal and replacement at the applicant's expense in the future.
- Indicate minimum clearance between WHCRWA facilities and proposed encroachments in plan and profile view. Minimum clearance of 2 foot clear is required for any utility crossings and paving and may be more if the encroachment is crossing a larger diameter water line. In general, the clearance requirements follow TCEQ and or City of Houston current Infrastructure Design Manual requirements.
- Appropriate details or notes must be included to indicate how the WHCRWA's facilities will be protected during construction activities.
- Water line relocation requests will require a deposit in advance to cover additional review and legal costs. Relocation requests, whether vertical or in a new location, will require the requestor to pay for all expenses including engineering and legal costs, construction oversight and WHCRWA operator costs for depressurizing the water line and disinfection required to place a line back in service. A WHCRWA water line cannot be out of service for more than 10 days. Moving a water line to a new location will require the requestor to provide a new easement that meets all WHCRWA requirements. All requests are individually evaluated and cannot negatively impact the WHCRWA.
- Include the following notes on all sheets where WHCRWA easements are impacted:
 1. The Owner's Contractor shall contact the WHCRWA's Construction Manager at (713) 533-4100, 72 hours prior to the start of any construction in the WHCRWA easement.
 2. The Contractor shall call and give at least 48-hour notice (excluding weekends and legal holidays; but not more than 14 working days) prior to commencement of any construction to Texas 811 at (800) 344-8377.
 3. The Owner/Owner's Contractor is responsible for all damages to WHCRWA facilities that may occur during construction.
 4. WHCRWA's representative must be onsite when performing work in the easement.

Additional matters:

- No construction activities are allowed within WHCRWA's easement unless/until your encroachment request is approved by the WHCRWA in writing, and the applicable approval document(s) is recorded in the County Real Property Records. This includes clearing, grubbing, and placement of fill related to general site preparation activities.
- Unless/until your encroachment request is approved by the WHCRWA and applicable approval document is recorded in the County Real Property Records, do not record, or allow other easements to be recorded over the WHCRWA's easement.
- If your project involves platting of property within which the WHCRWA's easement exists, clearly show, and label the WHCRWA easement including recording information on the plat.
- All requestors must agree to comply with "WHCRWA Easement or Right-of-way Encroachment General Requirements", as amended periodically located at the following website link:

[Easement & Right-of-Way Encroachments - West Harris County Regional Water Authority \(whcrwa.com\)](http://whcrwa.com)

- If WHCRWA facility relocation is required due to this request, all relocation cost(s) will be borne by the requesting party and must be paid before review of the request begins. The requestor must pay a deposit up front. This deposit is in addition to the non-refundable fees for review listed on the Encroachment Application.
- It is the requestor's responsibility to secure any additional needed rights from parties where WHCRWA's rights are limited or less than a fee simple ownership.
- The requestor must notify owners of other pipelines, communication lines, or other third-party facilities located within the property covered by the WHCRWA's approval document to requestor.

Application Review Fees

- Standard Review Fee: Requestor must pay a non-refundable Standard Review Fee. The fee charged by the WHCRWA depends on the type of development (as determined in the sole discretion of the WHCRWA) as shown in the chart below. The Standard Review Fee does not include the other fees, charges, or amounts the WHCRWA imposes in accordance with its Encroachment Policy in addition to the Standard Review Fee.

Type of Development	Fee
Master planned development	\$4,500
Single site-commercial	\$2,500
Single site-residential	\$250
Single perpendicular crossing of utilities, drainage feature, or roadway	\$750
Multi-family development	\$2,000

- Expedited Review Fee. If the Requestor seeks an expedited review, Requestor must also pay a non-refundable fee of **\$3,000** upon submission of the Request to the WHCRWA. This fee is not included in and is in addition to the Standard Review Fee and any other required fee.
- Existing Encroachment Review Fee. If an encroachment already exists but was not approved by the WHCRWA, Requestor must also pay a non-refundable fee of **\$3,000** upon submission of the Request to the WHCRWA. This fee is not included in and is in addition to the Standard Review Fee and any other required fee.
- Additional Review Fee. The Additional Review Fee is determined on a **case-by-case basis** based upon the WHCRWA's cost for the review. The WHCRWA will notify the Requestor of the amount of the Additional Review Fee when applicable. The Requestor must timely pay the Additional Review Fee to the WHCRWA when notified by DEC.
Other Fees, Charges, or Amounts. The Requestor is also responsible for all other fees, charges, or amounts required by the WHCRWA's Encroachment Policy. A copy of the current WHCRWA's Encroachment Policy is available on the WHCRWA website at the following link:
[Easement & Right-of-Way Encroachments - West Harris County Regional Water Authority \(whcrwa.com\)](https://www.whcrwa.com/Easement%20and%20Right-of-Way%20Encroachments)
- For additional information, visit the WHCRWA website at the following link:
[Easement & Right-of-Way Encroachments - West Harris County Regional Water Authority \(whcrwa.com\)](https://www.whcrwa.com/Easement%20and%20Right-of-Way%20Encroachments)