

PROCEDURE POLICY TO ALLOW PRIVATE ENCROACHMENTS UPON CITY CONTROLLED PUBLIC PROPERTY

TO ESTABLISH THE BASIS FOR PERMITTING PRIVATE ENCROACHMENTS
UPON CITY CONTROLLED PUBLIC PROPERTY

The City charter prohibits the City Council from giving away public right-of-way or other public properties.

Certain encroachments into such streets, alleys or other public places and public right-of-way have been allowed for canopies, overhangs, areaways, loading docks, drains and other approved uses, with the applicant for such encroachment providing adequate safeguards, plans, insurance and bonds, as determined by the City Manager or his/her designee.

All encroachment requests shall be reviewed by the City Manager or his/her designee to determine the extent of impact on public property. If the impact is determined to be extensive, then City Council approval of the encroachment request will be required and the permittee shall provide and comply with all requirements as determined necessary.

If the impact is determined not to be extensive, then the City Manager or his/her designee is hereby authorized to issue written permits for private "minor" encroachments within or upon City controlled public property where it has been determined that the same will not adversely interfere with public use and access and would not adversely impact the interest of the City upon the following conditions:

1. That applications for such encroachments be made by the owner(s), tenant(s) or other user(s) of the abutting property in writing on a form approved by the City Manager. An appropriate fee shall be charged and collected for processing such request.
2. That application be reviewed by affected City Departments as deemed necessary by the City Manager or his/her designee.
3. That permits be issued by the City Manager or his/her designee stipulating and requiring that the encroachment will be permitted under certain conditions and that adequate insurance is provided as deemed necessary by the City Manager.
4. That the permittee agrees to remove the encroachment within sixty (60) days of notice from the City, pay the full cost of such removal and restoration of the property to a safe condition, and file a performance bond for said work with the City as deemed necessary by the City Manager or his/her designee.
5. That the permittee will furnish and provide to the City as determined necessary by the City Manager or his/her designee, such plans, insurance, bonds, specifications, information, releases, guarantees, licenses, permits, approval from others, and comply with all other requirements pertaining to said encroachment request and any necessary subsequent removal/restoration as determined necessary by the City Manager or his/her designee.
6. Permit applications will first be circulated to City Council members for information and to offer an opportunity for elected officials to raise concerns with the proposed encroachments. Initial applications will therefore be held for a two week period prior to final processing to give members of the City Council an opportunity to ask questions. Exceptions to permit requests may elevate minor encroachment requests to full licensure status, thereby requiring the permittee to apply for a full encroachment license to be considered by the full City Council.
7. Applications for minor encroachments covered by this policy shall be accompanied by a fee as set forth in the City fee schedule as approved by City Council resolution plus all costs of review and processing deemed applicable by the City Manager or his/her designee.
8. Maximum term is ten years from date of issuance.

PERMIT TO CONSTRUCT, USE AND/OR MAINTAIN AN ENCROACHMENT UPON THE CITY CONTROLLED PUBLIC PROPERTY

THIS PERMIT OBLIGATES THE PERMITTEE/SUCCESSORS AND ASSIGNS TO THE FOLLOWING STANDARD
CONDITIONS AND SPECIAL CONDITIONS AS LISTED ON THIS FORM

Standard Conditions

1. Any and all operations under this permit shall be performed according to all applicable standards and all requirements set forth in the City's Code or policies.
2. Take, provide and maintain all necessary precautions to prevent injury or damage to persons or property from operations allowed by this permit and use safety devices which are in accordance with the Michigan Manual of Uniform Traffic Control Devices.
3. Indemnify, save and hold harmless the City, its officers, employees and agents, and defend them against all claims, suits, causes of action, judgments and all expenses and attorney fees pertaining thereto, for injuries or death to persons and damage to property attributable to the construction, installation, maintenance, operation or existence of encroachment covered by this permit. Permittee must maintain and furnish proof of liability insurance coverage for the term of this permit. Said liability insurance shall be at a minimal amount of \$300,000.00. The City of Grand Haven shall be named as additional insured, and be notified in writing a minimum of 30 days prior to cancellation of the insurance policy. Also, the insurance certificate must include the encroachment location as indicated on front of this form. The policy and terms must be pre-approved by the City Manager.
4. The City has the right to remove, at any time, for any reason, the encroachment. Upon request of the City, permittee must immediately remove, cease operations and surrender this permit and/or alter or relocate, at applicants' own expense, the fixtures for which this permit is granted. Upon failure to do so, the City of Grand Haven shall take such necessary action and the applicant shall be responsible to reimburse the City of Grand Haven for the costs it incurs to perform same. If such costs are not promptly paid, all costs incurred by the City shall constitute as a lien upon the real property to which the encroachment benefits. Such lien shall be of the same character and effect as a lien created for City real property taxes pursuant to State law and the Code of the City of Grand Haven and shall include accrued interest and penalties.
5. The permittee will furnish and provide to the City as determined necessary by the City Manager or his/her designee, such plans, insurance, bonds, specifications, information, releases, guarantees, licenses, permits, approval from others, and comply with all other requirements pertaining to said encroachment request and any necessary subsequent removal/restoration as determined necessary by the City Manager or his/her designee.
6. Permittee understands that this application will be held for a two week comment period prior to finalization. Concerns raised during comment period may lead to redirection of application to the full City Council for consideration of a license agreement.
7. Maximum term is ten years from date of issuance. Permittee is responsible for application for extended permit – failure to apply for and receive extension results in automatic termination of encroachment permit.

THE OWNER ACKNOWLEDGES HE/SHE HAS READ THE CONDITIONS AND AGREES TO ABIDE BY SAME

(Owner's Signature)

(Date)

Special Conditions

Approved for the City of Grand Haven: _____
(City Manager or his/her Designee) (Date)

**PERMIT TO CONSTRUCT, USE AND/OR MAINTAIN AN ENCROACHMENT
UPON CITY CONTROLLED PUBLIC PROPERTY**

NOTE: This permit does not relieve applicant from meeting any applicable requirements of law, statute or policy of any public bodies or agencies.

Applicant's Name: _____

Applicant's Mailing Address: _____

Phones (office): () _____ **(cell):** () _____

Email: _____

Contact Person Name and Phone Number (if other than property owner, give relationship):

Owner's Name: _____

Owner's Mailing Address: _____

Phones (office): () _____ **(cell):** () _____

Email: _____

Contact Person Name and Phone Number:

The above named applicant hereby makes application for an ENCROACHMENT PERMIT to construct, use and/or maintain a _____

(attach a detailed drawing/sketch)

to be located at _____

(location of encroachment)

for the purpose of _____

DO NOT WRITE IN THIS BOX

Application Date: _____

Comment Period: _____

Fee Amount: _____

Received By: _____

Date of Issuance: _____

Expiration: _____