



NOTICE TO CONTRACTORS AND BUILDERS Changes to Easement Use Agreements

Effective May 18, 2009

In accordance with the Construction Code, Section 1.06 Construction Prohibited in Right-of-way and/or Public Easements, an easement use agreement is required for any improvements in a right-of-way and/or public easement. The following can be exempted from this requirement if approved by the Community Development and Planning Department: paving, flatwork, wooden or chain link fences or retaining walls less than three feet (3') in developed height (foundation base to top) at any point which do not support a structure. For all other improvements, an Easement Use Agreement must be executed.

In the past, processing these documents was cumbersome and time-consuming. To facilitate this process, several changes have been made as follows:

- The number of original documents required has been reduced from three to one original since only one is filed at the Tarrant County court house.
- Rather than having a surveyor prepare a metes and bounds description along with an exhibit, the applicant may submit a legal description of the property (lot, block and addition) and illustrate the area to be used on a site plan or legible plat. The City reserves the right to require a surveyor's document depending on the complexity of the area to be used.
- Previously, the applicant was responsible for routing the easement use agreement through the franchise utilities for their review and approval. The City will now be able to coordinate this effort with the franchise utilities. Approval of the easement use agreement is contingent upon their approval as well.
- Please note that AT&T requires a supplementary document for approval. This document will be posted on our website for downloading. The applicant will be responsible for processing this document with AT&T.
- Some of the wording in the agreement has been revised to strengthen the City's indemnification; and
- The application has been updated to include additional contact information.

A copy of the easement use agreement can be found on our website at: http://www.arlingtontx.gov/planning/pdf/forms/Engineering/easement_use_agreements.pdf. If you have any questions or concerns, please do not hesitate to contact the engineer-of-the-day at 817-459-6502.