CITY OF VIRGINIA BEACH
ENCROACHMENT APPLICATION
FOR PERMIT TO ENCROACH INTO CITY RIGHT OF WAY,
CITY PROPERTY, OR EASEMENT
$250 APPLICATION FEE (NON-REFUNDABLE)
(ADDITIONAL COST FOR RECORDING*)

APPLICANT: 

MAILING ADDRESS: 

DAYTIME PHONE NUMBER: 

LOCATION OF ENCROACHMENT: 

<table>
<thead>
<tr>
<th>TYPE OF ENCROACHMENT: (check all that apply)</th>
<th>Fence</th>
<th>Force Main</th>
<th>Pier</th>
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<tr>
<th>OR</th>
<th>Bulkhead</th>
<th>Sign</th>
<th>Subdivision</th>
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<th>Specify Type:</th>
<th>Other:</th>
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DESCRIPTION OF ENCROACHMENT (including height and width dimensions): 

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<tr>
<th>FOR INDIVIDUALS</th>
<th>FOR BUSINESSES</th>
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<tr>
<td>Married? ___ Yes ___ No</td>
<td>___ Corporation ___ Partnership</td>
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<tr>
<td>Spouse's Name</td>
<td>State in which licensed or incorporated</td>
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FOR NON-PROFIT ORGANIZATIONS

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<tr>
<th>___ Church</th>
<th>___ Civic League</th>
<th>If partnership, what type?</th>
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<td>___ Other</td>
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Person authorized to sign (Property Owner) | Person authorized to sign

Title | Title

ATTACH REQUIRED PLATS: See the Instruction Sheet (Page 2) for requirements.

THIS APPLICATION WILL BE RETURNED TO THE APPLICANT IF THE ITEMS LISTED ON THE INSTRUCTION SHEET (PAGE 2) ARE NOT ATTACHED TO THE APPLICATION OR IF ATTACHMENTS DO NOT MEET SIZE AND DETAIL REQUIREMENTS.

By signing this application, the applicant acknowledges that the $250 application fee is NOT refundable, even if the request is denied. The applicant agrees to pay the recording fees for the Encroachment Agreement.

Signature of Applicant

Date
A Certified Check or Money Order (No personal checks will be accepted) in the amount of $250.00 and made payable to: Treasurer, City of Virginia Beach

* A Certified Check or Money Order (No personal checks will be accepted) made payable to the "Clerk of the Circuit Court" will be needed from the applicant and mailed to PW/Real Estate when they return the signed Encroachment Agreement. The amount will be $31.00 for 10 pages or less or $45.00 for 11 – 30 pages.
ATTACH TO THE APPLICATION 1 COPY OF A PLAT MARKED "EXHIBIT A" DESCRIBING THE PROPOSED ENCROACHMENT AND A COMPLETED DISCLOSURE STATEMENT FORM (attached). The plat must show the exact location and alignment of the encroachment and must be NO LARGER THAN 8½" X 11". Lettering must be 9 point font or greater. Show right of way lines, ties to nearest cross streets, and other pertinent physical features. If the encroachment crosses a roadway, existing sewer or waterlines, the plat must indicate the location and depth of the utilities in that area. Please provide photographs of the area to be encroached upon and any adjacent properties with similar encroachments. **Submittal of 1 copy each of the photographs and exhibit drawing(s) by disk/CD or electronically (via email) in a PDF or JPG format to pwrealestate@vbgov.com is required.**

If the request is for a sign, awning or a fence, a rendering of the dimensions, including materials to be used, is required as well.

If encroachment is landscaping, a complete description of plantings is required.

For businesses or organizations, attach proof that the person signing is actually authorized to sign:

For **corporations**, please attach a copy of a corporate resolution or other official document showing that the person signing for the company has authorization to do so.

For **partnerships**, attach a copy of the partnership agreement on file with the Circuit Court.

For **associations**, attach proof, such as a resolution of a civic league or other officially recognized body, that the person signing has authority to do so for the organization.

Subdivision identification signs and sewer force mains are approved administratively by City staff; all other types of encroachments must be approved by City Council.

The initial review of this request will take two to three weeks, followed by a week for the preparation of the encroachment agreement, if the request is recommended for approval. After the agreement is signed by the applicant or other authorized person and returned to the Office of Real Estate, one of two things will happen:

(1) If a force main or subdivision identification sign, the agreement will be routed for signature by the City Manager or Chief Operating Officer, after which it will be recorded in the Office of the Clerk of Circuit Court and final approval given;

(2) If other than a force main or subdivision identification sign, an Agenda Request
and Ordinance will be prepared by staff and the matter placed on Council’s docket for an upcoming meeting. Once it is approved by Council, the agreement will be signed by either the City Manager or Chief of Staff and recorded in the Circuit Court Clerk’s Office, followed by final approval.

If the encroachment is approved, it will be necessary for the applicant to provide evidence of liability insurance in the amount of $500,000 with the City - Finance Department c/o Risk Management Administrator, 2400 Courthouse Drive, Building 22, Virginia Beach, Virginia 23456 - shown as an additional named insured and, if applicable, property insurance. **Prior to recordation a certificate of liability insurance must be received naming the city as additional insured.** If property insurance is required, it must name the City as loss payee.

If staff recommends denial during the initial review, you have the right to appeal to City Council for final approval.

**THE EXHIBIT MUST MEET THE REQUIREMENTS STATED ABOVE — ONCE THE EXHIBIT IS COMPLETE AND IN THE HANDS OF THE RIGHT OF WAY AGENT, IT WILL TAKE 8 TO 12 WEEKS TO COMPLETE THE REQUEST.**

Return the application to: City of Virginia Beach  
Municipal Center  
Public Works Real Estate  
Bldg. #23, Suite 100  
2473 N Landing Drive  
Virginia Beach, VA 23456

The Office of Real Estate can be reached by phone at (757) 385-4161.

Revised 06.29.2020
The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a City board, commission or other body.

Applicant Disclosure

Applicant Name ________________________________

Does the applicant have a representative? □ Yes □ No

- If yes, list the name of the representative.

Is the applicant a corporation, partnership, firm, business, trust or an unincorporated business? □ Yes □ No

- If yes, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

- If yes, list the businesses that have a parent-subsidiary\(^1\) or affiliated business entity\(^2\) relationship with the applicant. (Attach a list if necessary)

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\(^1\) "Parent-subsidiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

\(^2\) "Affiliated business entity relationship" means "a relationship, other than parent-subsidiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.
Known Interest by Public Official or Employee

Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action? □ Yes □ No

- If yes, what is the name of the official or employee and what is the nature of the interest?

Applicant Services Disclosure

1. Does the applicant have any existing financing (mortgage, deeds of trust, cross-collateralization, etc) or are they considering any financing in connection with the subject of the application or any business operating or to be operated on the property? □ Yes □ No
   - If yes, identify the financial institutions.

2. Does the applicant have a real estate broker/agent/realtor for current and anticipated future sales of the subject property? □ Yes □ No
   - If yes, identify the real estate broker/realtor.

3. Does the applicant have services for accounting and/or preparation of tax returns provided in connection with the subject of the application or any business operating or to be operated on the property? □ Yes □ No
   - If yes, identify the firm or individual providing the service.

4. Does the applicant have services from an architect/landscape architect/land planner provided in connection with the subject of the application or any business operating or to be operated on the property? □ Yes □ No
   - If yes, identify the firm or individual providing the service.

5. Is there any other pending or proposed purchaser of the subject property? □ Yes □ No
   - If yes, identify the purchaser and purchaser’s service providers.
6. Does the applicant have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? □ Yes   □ No
   • If yes, identify the construction contractor.

7. Does the applicant have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? □ Yes   □ No
   • If yes, identify the engineer/surveyor/agent.

8. Is the applicant receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? □ Yes   □ No
   • If yes, identify the name of the attorney or firm providing legal services.

**Applicant Signature**

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am **responsible for updating the information provided herein two weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application**.

**Applicant Signature**

**Print Name and Title**

**Date**

Is the applicant also the owner of the subject property? □ Yes   □ No
   • If yes, you do not need to fill out the owner disclosure statement.

**FOR CITY USE ONLY/ All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the applications**

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Continue to Next Page for Owner Disclosure
Owner Disclosure

Owner Name ____________________________________________

Applicant Name ____________________________________________

Is the Owner a corporation, partnership, firm, business, trust or an unincorporated business? □ Yes  □ No

- If yes, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

- If yes, list the businesses that have a parent-subsidiary\(^3\) or affiliated business entity\(^4\) relationship with the Owner. (Attach a list if necessary)

Known Interest by Public Official or Employee

Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action? □ Yes  □ No

- If yes, what is the name of the official or employee and what is the nature of the interest?

\(^3\) “Parent-subsidiary relationship” means “a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.” See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

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Disclosure Statement

Owner Services Disclosure

1. Does the Owner have any existing financing (mortgage, deeds of trust, cross-collateralization, etc) or are they considering any financing in connection with the subject of the application or any business operating or to be operated on the property? □ Yes    □ No
   • If yes, identify the financial institutions.

2. Does the Owner have a real estate broker/agent/realtor for current and anticipated future sales of the subject property? □ Yes    □ No
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3. Does the Owner have services for accounting and/or preparation of tax returns provided in connection with the subject of the application or any business operating or to be operated on the property? □ Yes    □ No
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   • If yes, identify the engineer/surveyor/agent.
8. Is the Owner receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property?  
   - Yes  
   - No  
   - If yes, identify the name of the attorney or firm providing legal services.

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**Owner Signature**

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.

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**Owner Signature**

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**Print Name and Title**

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**Date**