



EASEMENT ENCROACHMENT AGREEMENT

PLEASE CHECK WHICH STRUCTURE APPLIES:
FENCE RETAINING WALL ACCESSORY STRUCTURE

Agreement is made this _____ day of _____, 20___, by and between the City of Lino Lakes, a Minnesota municipal corporation (“City”), and the following property owner(s):

Property Owner #1

Property Owner #2

Background. Owner is the fee owner of certain real property located in the City of Lino Lakes, County of Anoka, State of Minnesota, legally described as follows:

Legal Description

Parcel Identification Number

Property Address

The City owns easements for drainage and utility purposes over portions of the subject property. Owner desires to place a structure on the subject property which will encroach into the City’s easement areas as depicted on the attached survey/site map, attached hereto as **Exhibit A**.

Encroachment Authorization. The City hereby approves the encroachment in its easement areas on the subject property for the structure indicated above, contingent upon the following conditions:

- A. Structural encroachment shall not be allowed on any drainage and utility easement unless the following criteria apply to said property:
 - 1. The encroachment is not located within the 100-year high water elevation of an existing lake, storm water pond, or wetland.
 - 2. The drainage will not be affected by the approved structure or other encroachment on the easement.
- B. In consideration of being allowed to encroach in the City’s easement areas, Owner(s), their successors, heirs and assigns, hereby agree to indemnify and hold harmless the City from any damage cause to the subject property caused in whole or in part by the encroachment into the City’s easement areas.
- C. The City may, at its sole discretion, terminate this Agreement at any time by giving the then owner of the subject property thirty (30) days advance written notice, except that no notice period will be required in the case of an emergency condition as determined solely by the City and the Agreement may then be terminated immediately. The property owner shall remove the structure

