



**Grand River Dam Authority is an agency of the State of Oklahoma.
Fully supported by customer revenues instead of taxes.**



**LEGAL DEPARTMENT
P. O. Box 409
VINITA, OK 74301
918-256-5545**

APPLICATION FOR LICENSE TO ENCROACH UPON LANDS OWNED BY GRDA

<i>FOR GRDA USE ONLY:</i>		
Reservoir _____	GRDA Map & Tract Number _____	Permit Number _____
\$50.00 FEE SUBMITTED WITH APPLICATION? _____		

FULL AND COMPLETE NAME OF APPLICANT(S): _____
(For title purposes, the License should be issued to the individuals named on the Applicant's deed of conveyance)

MAILING ADDRESS: _____
City State Zip

PHONE: home _____ work _____ cell _____ email _____

Legal Description of Applicant's land adjacent to encroachment on GRDA property:

Section _____, Township _____ N, Range _____ E in _____ County **OR**
Subdivision _____ Lot _____
Block _____ in _____ County, Oklahoma

LAKE ADDRESS: _____
City State Zip

TO THE GRAND RIVER DAM AUTHORITY:

I hereby make application for a License to Encroach as follows:

1. Nature of Encroachment (ie house, deck, shed, etc): _____
(Applicant should include a drawing and photographs of the encroachment)
2. Encroachment constructed of: _____
3. Square footage of encroachment: _____
4. Requesting License for _____ years (maximum license is 30 years)
5. Date improvement **was** built (must be prior to **June 1, 2005**): _____
6. _____ New License
_____ Transfer of License from _____
(If requesting to transfer License, include copy of existing License as recorded in the land records)

TERMS AND CONDITIONS

In consideration of the Grand River Dam Authority granting a License to Encroach to the Applicant, Applicant hereby consents and agrees to the following:

1. Applicant agrees to abide by the provisions of 82 O.S. § 861 *et seq*; the Oklahoma Administrative Code Rules 300:25-1-1 *et seq* and the Rules and Regulations Governing the Use of Shorelands and Waters of GRDA, which are incorporated and made a part of this agreement.
2. Applicant acknowledges that a License to Encroach may be revoked at any time by GRDA.
3. If GRDA does, in fact, cancel said License of Applicant, Applicant shall be wholly responsible for all costs, including, but not limited to, costs of removal and reclamation, any court costs and attorney fees incurred by the Authority for removal of said structure from GRDA’s property.
4. Applicant agrees to maintain the encroachment in a safe and orderly condition and not to enlarge the encroachment.
5. Applicant, his agent, heirs, representatives or assigns, agree that actions taken on said encroachment or GRDA property shall be at his own risk, and GRDA is hereby released from any and all claims for injuries or damages incurred while on GRDA’s premises. Applicant, his heirs, representatives or assigns agree that they will indemnify and save harmless GRDA against any and all claims for damages to property, or injuries received by anyone, as a direct or indirect result from the Applicant’s encroachment upon GRDA’s property, arising either from alleged or in fact negligence of Applicant, his agents, representatives, servants or guests; and Applicant further agrees to defend any and all suits filed or prosecuted against GRDA, and to pay any and all judgments, together with court costs, attorney fees and all other expenses of defending such suits.
6. Applicant grants permission to GRDA, through its authorized employees, to physically inspect Applicant’s improvement when necessary and reasonable and the enter upon Applicant’s property for the purpose of gaining access to the encroachment.
7. Applicant agrees to promptly pay the annual fee imposed by GRDA for the privilege of placing and maintaining the encroachment. The application fee and first year’s annual fee shall be submitted prior to the issuance of said License.

Applicant verifies that he/she has read the above and foregoing provisions, together with the Rules and Regulations and Instructions mentioned herein, and fully understands them, is aware of their contents and agrees to be bound by said terms and conditions.

 Date

 Signature of Applicant

The completed Application for License to Encroach, the application fee, and all other requested documentation should be forwarded to the address at the top of this Application.

Applicant's Checklist:

- _____ Appraisal containing:
 - a. Valuation of the property upon which the encroachment is located;
 - b. legal description of property upon which encroachment is located;
 - c. Photographs of encroachment

- _____ Deed evidencing applicant's ownership of property adjacent to the encroachment.

- _____ Survey evidencing encroachment and containing the following items:
 - a. the GRDA taking line;
 - b. the square footage of the encroachment (this includes all structures and cement/asphalt areas);
 - c. the flowage easement in relation to the encroachment. If the encroachment is within the flowage easement, a survey must have the additional information requested on the attached U.S. Army Corps of Engineers' Information Handout.

- _____ Application fee of \$50.00. Fee must be submitted with Application.

- _____ Copy of existing License (only if Applicant is requesting a transfer).

- _____ Copy of the flowage easement for the subject area (if applicable). This document can be found in your abstract of title.

Instructions for License to Encroach

A license to encroach must be obtained for improvements built prior to **June 1, 2005** upon property owned by GRDA. The procedure for obtaining a license to encroach is found at 82 O.S. § 874.2 and the Oklahoma Administrative Code Rules 300:25-1-1. The following is a summary of those rules. The applicant should fully review the rules prior to submitting their application. These rules are contained in the Rules and Regulations Governing the Use of Shorelands and Waters of Grand River Dam Authority posted on the GRDA website at www.grda.com.

1. Improvements are buildings, retaining walls, cement or asphalt patios, steps, or other permanent or temporary structures or improvements located on or attached to GRDA lands.
2. To be eligible for a License, the improvement must be **in existence prior to June 1, 2005**. Further, a License will only be issued to improvements related to residential property.
3. Applicant must be the adjacent landowner to GRDA's property where the encroachment is located.
4. An appraisal by an Oklahoma licensed land appraiser is required.
 - a. The appraisal should set forth the fair market value of the unimproved land for the area upon which the improvement is encroaching. Fair market value is the price in cash a willing but not obligated tenant would pay, and a willing but not obligated landlord would charge for the

same or similar lands for the highest and best use of the property. To determine fair market value, the appraiser shall consider:

- i. Present land use;
 - ii. Amount of GRDA land upon which the improvement is located;
 - iii. Yearly cash rental price of comparable land; and
 - iv. The number of years of the license.
- b. The appraisal should also include the following documents:
- i. Square footage of the encroaching improvement;
 - ii. Photographs of the encroaching improvement; and
 - iii. A map showing the location of the property.
5. A license to encroach must be approved by the GRDA Board of Directors.
6. A license to encroach shall not exceed 30 years, may be assigned upon approval by the GRDA Board of Directors, and will transfer to the heirs, legatees and devisees upon the death of the holder.
7. The License does not give the holder a right to increase the encroachment, however, the holder must maintain the existing improvement in a safe manner.
8. Violation of the terms and conditions of the license or the failure to pay any amounts due GRDA shall subject the License holder to legal or administrative action or both.
9. Upon approval by the GRDA Board of Directors, Applicant will be required to submit the first year's annual fee prior to issuance of the License.
10. Transfers of a License will follow the same procedure for a new license, however, Applicant should contact GRDA prior to obtaining a new appraisal or new survey. GRDA may waive said requirements in its discretion related to the transfer of a License.
11. Applicant is responsible for obtaining any necessary approvals required by other local, state or federal agencies, including the U.S. Army Corps of Engineers related to the flowage easement (if applicable). If the structure is within the flowage easement, the flowage easement must be indicated on the survey. Further, applicant is advised to contact the Regulatory Division AND the Real Estate Division of the U.S. Army Corps of Engineers located in Tulsa, Oklahoma for further instructions. A copy of the Corps of Engineers' Information Handout is attached for your convenience. Applicant is also advised to contact the local floodplain administrator.
12. Questions should be addressed to GRDA's legal department at the address above or by phone.

Information Handout from U.S. Army Corps of Engineers

1. **Letter of Request** to include the following: routine
 - a. **Description of Work** being requested
 - b. **Requester's Name, Address, Telephone Number(s) and E-mail address**
 - c. If the Requester is not the property owner, attach a **Letter of Agreement** from the surface property owner
2. **Site Map** clearly identifying the general location of the area on the lake.
3. **404 Regulatory Review** is required if any of the proposed work is at or below the 745' contour, or if there are potential impacts to waterways & wetlands
Call 918-669-7400 to request a Regulatory Review.
4. **Pictures** of area where the work will occur. Note: If the area is eroded, pictures of the site prior to the erosion occurring will be helpful.
5. **Construction Plans** to include drawings or schematics of the proposal.
 - a. **Detailed Illustrations** showing the top and bottom flowage easement elevations, clearly identified
 - b. **Pertinent Elevations** of proposed work including top and bottom elevations
 - c. **Types and Total Volumes of Materials** to be used (this may be included on the Boundary Survey)
6. **Boundary Survey** by a registered land surveyor that must include the following elements:
 - a. **750' and 745' Contours**, clearly marked
 - b. **Land/Water Interface or Shoreline** with water level elevations clearly noted and dated
 - c. Grand River Dam Authority (**GRDA**) **Metes and Bounds Property Line**
 - d. Requester's **Property Boundaries**
 - e. **Easement Elevations** – the Property Title should give this information
 - f. Show the **Top of the Flowage Easement Line** – May be 757', 758' or 760'
 - g. Copies of Recorded Documents showing the **Government Tract Number(s)** and Pertinent Flowage Elevation.
 - h. NOTE: **Government Tract Numbers** may possibly be obtained from GRDA
7. List all **Proposed and Existing Structures**, including **Fill Material**, within the flowage easement. Include ground elevations for all structures. Fill Material is considered a structure and is only allowed in certain situations)
8. **Legal Description** – Length, Width, Section, Township, Range, County, State and depicting flowage easement
9. Provide copies of all **Title Documents**, excluding the abstract.
10. Return completed Application Package with all of the above-listed items to:

Tulsa District, US Army Corps of Engineers
ATTN: CESWT-RE-A
1645 South 101st East Avenue
Tulsa, Oklahoma 74128 – 4609

For questions regarding this Application Guide Sheet, call: 918-669-7250