

Sec. 4-6-122. Waiver.

(a) The City Engineer or Assistant Director of Utilities may waive some or all of the requirements of Sections 4-6-123 through 4-6-128 they administer when at least two (2) of the following conditions exist. The request for a waiver shall not be based upon self-imposed hardship or only the opportunity to make the property more profitable or reduce expense to the owner. Written application for waiver shall be submitted by the Developer or landowner. The waiver application shall fully state the grounds for the waiver and all facts related to such request:

- (1) Allocation of City funding for the project is not immediately available.
- (2) The Plat or Lot(s) to be developed contain(s) only partial or isolated improvements and the proposed improvements will not tie to existing improvements.
- (3) The adjacent Street(s), road or highway is under the Texas Department of Transportation's maintenance and the Texas Department of Transportation has no immediate plans for any improvements for construction.
- (4) Special conditions applicable to the property exist related to its location, public improvements, or the lack of improvements.
- (5) The waiver will not be materially detrimental to the public welfare, public safety, use, enjoyment and value of adjacent property.

(b) The waiver when granted will not preclude any future City funded or assessment funded project. The waiver will not prevent assessments when assessments are properly applied. A waiver will be considered as a delay of improvements.

(c) When the City Engineer or Assistant Director of Utilities does not grant a waiver as provided in subsection (a), the applicant may, within ten (10) business days from the date of notification, appeal the decision to a panel consisting of the Director of Public Works, Director of Community Services, Director of Utilities and Traffic Engineer. The appeal must be in writing. If a majority of the panel concurs, such panel may waive some or all of the requirements of sections 4-6-123 through 4-6-128.

(d) Should the waiver denial of the City Engineer or Assistant Director of Utilities be appealed, the City Engineer or Assistant Director of Utilities shall transmit to the panel all the papers constituting the record by which the original waiver was denied.

(e) Any Developer or property owner who is dissatisfied with the findings of the panel may, within ten (10) business days from the date of notification of the ruling file an appeal with the City Secretary that the appeal be heard and considered by the City Commission. The City Secretary shall schedule a time for a hearing before the City Commission and shall notify any person indicating an interest in the hearing.

IMPROVEMENTS WAIVER REQUEST

Date: _____

Requestor _____

Email Address _____

Requestor Company _____

Address _____

Zip Code _____

Telephone Number _____

Fax Number _____

Property Owner _____

Telephone Number _____

Address _____

Zip Code _____

Developer _____

Telephone Number _____

Address _____

Zip Code _____

Waiver Location Address _____

Legal Description: Lot _____ Block _____ Subdivision _____

Other _____

IMPROVEMENTS: Check or mark which improvements(s) the request is being made

Street Surfacing Curbs & Gutters Sidewalks Alley Water and Sewer Service Drainage

APPLICABLE CONDITIONS: Check or mark all conditions that apply (At least two (2) must exist to qualify for a waiver)

- ___ 1. Allocation of City funding for the project is not immediately available
- ___ 2. The Plat or Lot(s) to be developed contain(s) only partial or isolated improvements and the proposed improvements will not tie to existing improvements.
- ___ 3. The adjacent Street(s), road or highway is under the Texas Department of Transportation's maintenance and the Texas Department of Transportation has no immediate plans for any improvements for construction.
- ___ 4. Special conditions applicable to the property exist related to its location, public improvements, or the lack of improvements.
- ___ 5. The waiver will not be materially detrimental to the public welfare, public safety, use, enjoyment and value of adjacent property.

If condition four (4) is checked, please explain the special conditions and how they apply:

I have read the attached Section 4-6-122 Waiver, Chapter 4-6 "Platting and Subdivision Improvements and Maintenance" of the City of Amarillo Municipal Code and request this waiver be granted.

Applicant understands that if a permit is issued, then all provisions of the City ordinances and state laws must be complied with whether herein specified or not. This approval does not permit the violation of any city or state law.

Signature of Requestor

Mail, fax, email, or hand deliver to:

Mark E. Read, P.E., City Engineer, City of Amarillo, P.O. Box 1971, Amarillo Texas 79105-1971
Phone Number 378-4227
Fax Number 378-9363
Email Address Mark.Read@Amarillo.gov