DRAINAGE EASEMENT ENCROACHMENT PERMITS

Purpose

To establish a policy regarding the use of District-owned lands as well as drainage and flowage easements dedicated to the San Diego County Flood Control District.

Background

The District has become the owner of several parcels of land i flood plains and the folder of drainage and flowage easements. The District has the power to contract or otherwise hold, use, sell, let and dispose of easements. The District board of directors may grant a permit for use of any District real property upon a finding that the granting of the permit is in the public interest and will not substantially conflict or interfere with the use of said property by the District for the purposes for which it was acquired. Furthermore, the agreement provides for the removal of the encroachment, as the permittee's expense, in the event the District should determine such removal necessary.

Authority

Water Code App. Section 105-6(4), 105-6(11), and Section 105-43. 28 California Jur. 3d, Easements and Licenses SS1. Robinson vs. City of Glendale (1920), 1982 c. 211, 213. San Diego County Flood Control District Act of 1966 and San Diego County Flood Control District Board of Directors Policy No. F-30. San Diego County Code of Regulating Ordinance.

Policy

No person shall place, change or renew an encroachment in, under or over any portion of a District easement, without first obtaining from the District Board of Directors a written permit.

Application for a permit shall be made in writing on a form supplied by the Department of Public Works. Every permit shall contain an agreement, signed by the applicant that the County of San Diego and any officer or employee thereof shall be saved harmless by the applicant from any liability or responsibility for any accident, loss or damage to persons or property, happening or occurring as the proximate result of any placement, change or renewal of an encroachment under the terms of this application and the permit of permits which may be granted in response thereto, and that all of said liabilities are hereby assumed by the applicant.

Every permit shall contain an agreement, signed by the applicant, that if the permit expires, is revoked by the District's Directors, or vacated or abandoned, the permittee will, within a reasonable time and to the satisfaction of the Department of Public Works, restore the easement to the equivalent or better condition than it was prior to the date that the permit became effective or prior to the date the encroachment was first placed, whichever is earlier.

DRAINAGE EASEMENT ENCROACHMENT PERMITS

AN APPLICANT'S GUIDE TO PROCEDURES

The following items must be furnished by the applicant in order to process an application to encroach upon a drainage easement owned by the Flood Control District.

1. Three (3) plats (8½"x11" size paper) showing the encroachment as it relates to the County easement (see reverse side for sample plat).

2. Two sets (2) of grading or improvement plan showing encroachment if the Drainage Easement Encroachment Application is related to the processing of a Department of Public Works (DPW) Land Development project.

3. A deposit of three hundred dollars ($300.00) to process encroachment application or a trust account work authorization number if related to a DPW Land Development project. Any deposits remaining after application process will be refunded to the owner.

4. One (1) copy of Grant Deed and/or Title Report showing ownership and legal description of the property.

5. Copy of deed granting easements or copy of recorded subdivision or parcel map showing the dedication with a copy of the title page. Maps can be obtained from DPW Survey Records Section (858) 694-3253.

6. The name of property owner(s) making the request. (If the applicant is other than an individual, the name of all partners and/or corporation officers must be furnished).

7. Letter explaining reason for the encroachment upon the easement and whether the structure in the easement can still be maintained by the County.

8. Assessor's Parcel Maps, which are available at the DPW Survey Records Section (619) 694-3253.

The Flood Control District may require the submittal of Hydraulic and Hydrological calculations and topography map (200N scale) after initial review.

Once the encroachment has been approved, an Agreement for Permitting Encroachment Upon District Easement will be generated by this department. This agreement shall be signed by owner and returned with notarization acknowledgement and recording fee (to be determined by staff).

The processing time for a drainage easement encroachment application can be up to three (3) weeks.

For additional information, contact the DPW Flood Control Counter at (858) 694-2055.

APPLICATION TO ENCROACH UPON COUNTY DRAINAGE EASEMENT

DATE _____

FOR COUNTY USE ONLY
CHARGE TO _____
DEPOSIT _____
FEE _____
TOTAL _____

COUNTY OF SAN DIEGO
DEPARTMENT OF PUBLIC WORKS
5201 RUFFIN ROAD, SUITE D, MS 0336
SAN DIEGO, CA 92123-1666

PHONE: (858) 694-2055 - FAX: (858) 279-7020

Owner/Permittee _____ Telephone ( ) _____
Last name *First*

Mailing Address _____
Street *City* *State* *Zip Code*

Location of encroachment _____
Street *Area 2*

TB PG: _____ APN# _____

☐ Driveway ☐ Fencing ☐ Political Signs ☐ Scaffolding ☐ Storage ☐ Yard ☐ Other

Describe _____

_____

Will encroachment interfere with the public use and maintenance of a Drainage Structure or Watercourse ☐ Yes ☐ No

Justification for Encroachment _____

_____

Permit requested: ☐ 1 day ☐ 3 days ☐ 10 days ☐ Indefinite ☐ _____ days Effective date _____

AGREEMENT

In consideration of the granting of this permit, the applicant agrees:

1. To save harmless the County of San Diego and any officer or employee thereof from any liability or responsibility for any accident, loss or damage to persons or property, happening or occurring as the proximate result of any placement, change or renewal of an encroachment under the terms of this permit, and to assume all of said liabilities.

2. To comply with all applicable laws in the establishment, maintenance and removal of the encroachment.

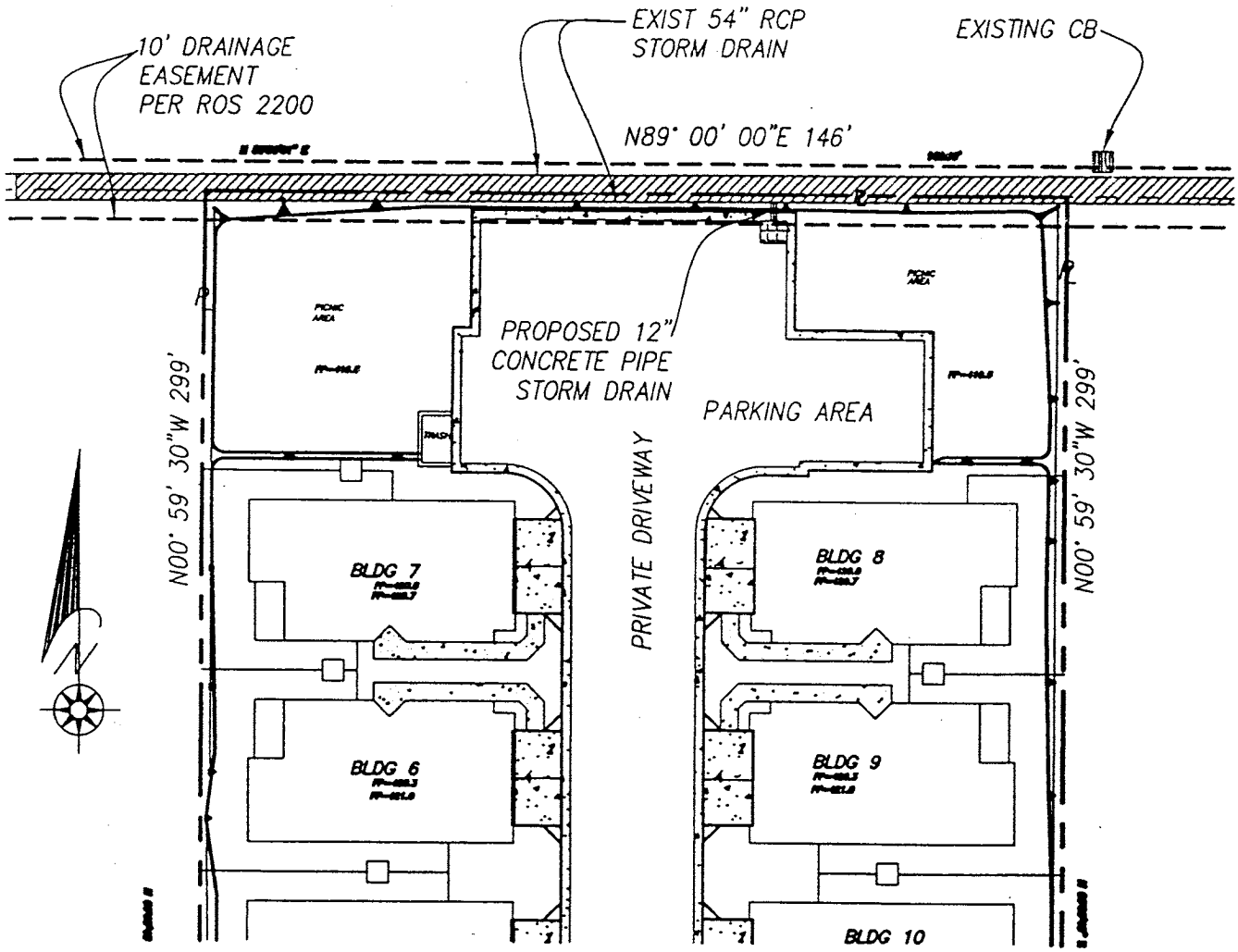
3. That the permittee and any other person engaged in any work authorized by this permit shall conform to all due safety precautions for the protection of persons and property.

4. To remove or relocate any encroachment placed, changed or renewed under the authority of this permit; prior to its expiration or within 24 hours of notification to remove, if the duration is 10 days or less; or within 5 days of notification to remove, if the permit is of indefinite duration.

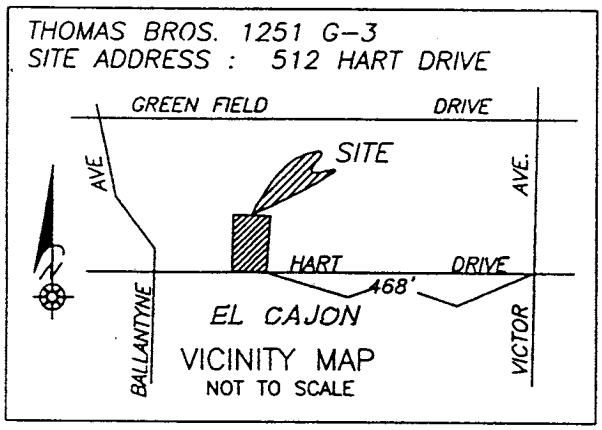
5. After removing or relocating the encroachment, to restore the highway to the equivalent or better condition that it was prior to the date this permit became effective, or prior to the date the encroachment was first placed, whichever is earlier.

Signed _____ _____
Owner's Signature *Date*

EXIBIT "A"



SCALE 1"=30'



FOR SAMPLE PURPOSES ONLY