



## **Encroachment Permit Submittal Procedure**

### To Apply For a Permit:

Return the completed Application and \$300 processing fee\* with three (3) sets of drawings or plans. Your drawing will be used as an attachment to the recorded Encroachment Permit and so must fit certain guidelines required by the San Diego County Recorder's Office. The Recorder's Office requires the drawing to be on white 8 ½" x 11" paper, in blue or black ink, and legible.

\*A separate check for the recording fee (payable to San Diego County Recorder) will be requested at the time the Permit is mailed back to you for signing and notarization.

If you have any questions, please contact the Engineering Department's Right of Way Group at (858) 522-6900.

### Enclosures:

Application for Encroachment

Guidelines

Sample Encroachment Permit



# San Diego County Water Authority

## APPLICATION FOR MINOR ENCROACHMENT PERMIT

Mail Completed Application and Fee to:

**SAN DIEGO COUNTY WATER AUTHORITY**  
4677 Overland Avenue, San Diego, CA 92123  
Attention: Engineering Dept. - Right of Way Group  
Telephone Number: (858) 522-6900

### OWNERSHIP INFORMATION:

### REPRESENTATIVE INFORMATION (If applicable) :

Fee Owner Complete Name(s): 1. 2.	Representative Name and Title:
Mailing Address:	Name of Firm:
City, State and Zip Code:	Address:
Telephone Number(s):	City, State and Zip Code:
Email:	Telephone Number(s):
	Email:

### LOCATION OF PROPOSED ENCROACHMENT:

Assessor Parcel Number:	Thomas Guide Page:	Legal Description:
Address:		
City and Zip Code:		
Have you ever applied for an Encroachment Removal Agreement (ERA) for this location? Yes <input type="checkbox"/> No <input type="checkbox"/>		
If yes, list ERA Permit Number(s) Issued:		

### DESCRIPTION OF PROPOSED ENCROACHMENT:

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Application shall be accompanied by the appropriate application fee of \$300 (payable to *San Diego County Water Authority*) along with a drawing or set of plans of the proposed improvement to be placed within the San Diego County Water Authority easement. In special circumstances additional investigative fees to offset Water Authority costs may be charged prior to issuance of permit for proposed encroachments requiring special engineering investigations as determined by the Engineering Department. All approved encroachments will require an Encroachment Permit signed by the fee owner of the property and recorded with the County Recorder. The fees for recording shall be paid by fee owner (typically \$30 for 6 pages) and payable to the *San Diego County Recorder's Office*.

**I understand that this application is subject to the approval of the San Diego County Water Authority and that application fees are non-refundable.**

X \_\_\_\_\_  
Fee Owner (1) Signature Date

X \_\_\_\_\_  
Fee Owner (2) Signature Date

*****AUTHORITY USE ONLY*****		
Fee Received:\$ _____	Check No. _____	Date: _____
File Name: _____	ROW# _____	
Pipeline(s): _____	TG: _____	Sta: _____
Reviewed by: _____	Date: _____	
Authority Parcel(s) affected: _____		
APPROVED BY: _____	ON: _____	PERMIT No: _____

**GUIDELINES: Issuance of Minor Encroachment Permits**

The following information is intended as a guideline only. For complete information please refer to Chapter 7.00 of the Water Authority's Administrative Code.

Section 7.00.060 (b) The following requirements apply to uses authorized pursuant to this section:

1. Addition, alteration, modification or demolition of a permitted use is itself a use subject to permit.
2. The Director of Engineering may establish conditions limiting the time, duration and method of construction. In addition to any other condition authorized by this section, the Director of Engineering may establish conditions for use that are consistent with the requirements for use established by Section 7.00.050.
3. Any use or structure shall be set back a minimum of twenty feet (20') from the edge of any Water Authority facility, whether surface or subsurface, or, in the case of rights of way used for access or patrol road purposes, 10 feet from the centerline of the road, unless a closer setback is specifically provided in this section. The Director of Engineering may reduce or eliminate the setback requirement for a use if the Director finds that the reduction will not be detrimental to the Water Authority. The reasons for and conditions of the reduction or elimination shall be stated in the permit issued for the use.
4. No use shall be permitted that would create an unacceptable load on a pipeline or subsurface structure as determined by the Director of Engineering.
5. Grading, including both excavation and fill, shall be permitted only if the Director of Engineering determines that the proposed grading will not pose a hazard to the integrity of the pipeline, cause an impediment to its maintenance, result in an unacceptable increase or reduction in cover, or cause ponding or erosion within the easement. Grading requiring a permit from another government agency is not allowed unless both the permit of the other agency and the permit of the Water Authority are obtained.
6. Avocado, citrus and other similar fruit trees, so long as the trunks are no closer than five (5) feet from the centerline of any Water Authority pipeline. Shallow-rooted trees that grow no higher than twenty-five feet (25') and have a mature root spread of no more than twenty feet (20') may be permitted provided the trees are planted no closer than twenty-five feet (25') from the closest edge of any of the Water Authority's pipelines. Deep-rooted trees are prohibited.

7. Conductor clearances for overhead electrical and telephone lines shall conform to the California State Public Utilities Commission, General Order 95, for Overhead Electrical Line Construction or at a greater clearance if required by the Water Authority. Clearance shall not be less than thirty-five feet (35'). Overhead lines shall be located at least thirty feet (30'), measured laterally, away from all above-ground structures on the pipelines. Utility poles are not permitted except pursuant to a major encroachment permit or joint use agreement.
8. When underground electric lines provide service at one hundred twenty (120) volts or greater, conduits shall be encased in a minimum of three inches (3") of red concrete. Above-ground warning signs shall be placed at the right of way lines where the conduits enter and exit the right of way with appropriate twelve (12) gauge tracer wire placed a minimum of twelve inches (12") above the buried utility, terminating in a junction box approved by the Water Authority.
9. Hard-surface, sports courts shall be of asphalt or unreinforced concrete, six inches (6") or less in thickness, with a 10-foot setback from the centerline of an access or patrol road and a 10-foot setback from the centerline of the pipeline. Fencing of sport courts shall comply with the provisions of this subdivision applicable to fences.
10. Playground equipment may be permitted within 10 feet (10') from the centerline of the pipeline and from the centerline of an access or patrol road. Playground equipment may be anchored to the ground in the same manner as fence posts.
11. Paved parking lots may be approved subject to conditions controlling loading to pipelines, landscaping, type of light standards, depth and location of light standard foundations, drainage, access and other aspects of design and improvement.
12. The Director of Engineering shall not approve a permit for a reclaimed or recycled water line unless the applicant has obtained Department of Health approval.
13. Storage of boxed landscape trees may be permitted so long as: (a) the boxes are no larger than 24 inches on each side, (b) the box has a bottom, (c) the tree, including the box, do not exceed 15 feet in height, and (d) the trees are stored no closer than 8 feet apart as measured from the edges of the boxes.

**RECORDING REQUESTED BY AND  
MAIL TO:**

Engineering Department  
San Diego County Water Authority  
4677 Overland Ave.  
San Diego, CA 92123

APN#  
Water Authority Affected Pipeline(s) and Parcel(s):

SPACE ABOVE THIS LINE FOR COUNTY RECORDER USE

**ENCROACHMENT PERMIT #**

An Encroachment Permit (Permit) is hereby granted to the Applicant designated in paragraph one, Exhibit "A," as the owner of the Benefited Property described in paragraph two, Exhibit "A," to encroach upon the San Diego County Water Authority's (Water Authority) right of way described in paragraph three, Exhibit "A," and as detailed in the diagram, Exhibit "B." Exhibits "A" and "B" are hereby incorporated herein by this reference as though fully set forth at length. In consideration of the issuance of this Permit, Applicant hereby covenants and agrees for the benefit of the Water Authority, as follows:

1. This Permit runs with the land and is binding upon and inure to the benefit of the future owners, encumbrances, successors, heirs, personal representatives, transferees, and assigns of the respective parties.
2. Applicant shall use and occupy the Water Authority's right of way in accordance with all applicable laws and solely for the purposes described in Exhibit "A."
3. Applicant shall obtain all building, grading, or other permits required for construction of the encroachment. Nothing in any such permit shall supersede the provisions of this Permit.
4. Work authorized by this Permit must be completed within 12 months of the issue date, unless otherwise specified by the Water Authority. Failure to complete the work within the specified time period shall deem the Permit null and void. When work is completed within the specified time period, the term of this Permit is indefinite and may be revoked by the Water Authority pursuant to the Water Authority's recorded right of way that encumbers the Benefited Property described in Exhibit "A" or abandoned by Applicant at any time. The Water Authority shall mail written notice of revocation to Applicant addressed to the Benefited Property which shall set forth the date upon which the benefits of this Permit are to cease.
5. The encroachment shall be installed and maintained in a safe and sanitary condition at the sole cost, risk, and responsibility of the Applicant.
6. The Applicant shall defend, indemnify, and save the Water Authority free and harmless from and pay in full, any and all claims, demands, losses, damages, or expenses that the Water Authority may sustain or incur in any manner resulting from the construction, maintenance, state of use, repair, or presence of the encroachment, including any loss, damage, or expense arising out of (1) loss of or damage to property, including without limitation the encroachment, (2) injury to or death of persons; and (3) claims of extra or additional work or delay by persons performing work for the Water Authority within the right of way. The Applicant's obligation to indemnify shall not extend to any loss, damage, or expense and claims for loss, damage, or expense resulting in any manner from the gross negligence of the Water Authority, its contractors, officers, agents, or employees.
7. The Applicant shall remove or relocate the encroachment as directed by the Water Authority within 30 days after notice by the Water Authority, or the Water Authority, at its option, may cause such work to be done, and the costs thereof shall be that of the Applicant. The Water Authority is also entitled to remove all or a portion of the encroachment at anytime to repair, replace, maintain, or install public improvements, and if such action is taken, Water Authority shall have no obligation to pay for or restore Applicant's encroachment.

8. Upon abandonment or revocation, Applicant shall, at no cost to the Water Authority, return Water Authority right of way to its pre-permit condition within the time specified in the notice of revocation or prior to the date of abandonment.
9. If Applicant fails to restore the Water Authority right of way, the Water Authority shall have the right to enter upon the Water Authority's right of way, after notice to the Applicant, delivered at the Benefited Property, and restore the Water Authority's right of way to its pre-permit condition, to include the removal and destruction of any improvements, and Applicant agrees to reimburse the Water Authority for the costs incurred.
10. Applicant's duties and obligations under this Permit are a lien upon the Benefited Property. Upon 30-day notice, and an opportunity to respond, the Water Authority may add to the tax bill of the Benefited Property any past-due financial obligation owing to Water Authority by way of this Permit.
11. Applicant waives the right to assert any claim or action against the Water Authority arising out of or resulting from the revocation of this permit or the removal of any improvements or any other action by the Water Authority, its officers, agents, or employees taken in a non-negligent manner, in accordance with the terms of this Permit.
12. This Permit may be recorded with the County Recorder of the County of San Diego. The recording fee shall be paid by Applicant.
13. Applicant shall not place or use any hazardous material or substance within the Water Authority's right of way, unless such placement or use is necessary for the encroachment and then only in accordance with the manufacturer's label and use instruction. Storage of hazardous materials is prohibited.

Agreed and accepted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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(Signature of Applicant)  
(Acknowledgement Notarization Required)

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(Signature of Applicant)  
(Acknowledgement Notarization Required)

Approved and issued by the San Diego County Water Authority in San Diego, California, this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_\_.

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William J. Rose  
Director of Engineering

**EXHIBIT "A"**  
**TO ENCROACHMENT PERMIT #**

**APPLICANT**

**BENEFITED PROPERTY**

**Assessor Parcel Number:**

**Address Description:**

**WATER AUTHORITY RIGHT OF WAY**

**Pipeline(s) and Parcel(s):**

A permanent, exclusive easement on a strip of land in favor of the San Diego County Water Authority, and more particularly described in Document # \_\_\_\_\_, recorded \_\_\_\_\_, Book \_\_\_\_\_, Page \_\_\_\_\_, of official records in the County of San Diego.

**PURPOSE**

This permit is granted exclusively for

CONTACT THE RIGHT OF WAY GROUP AT (858) 522-6900 PRIOR TO STARTING ANY WORK.  
This permit does not authorize other construction, grading or landscaping within the Water Authority's right of way.  
It shall be the owner/applicant's responsibility to secure all necessary permits required by local agencies.  
Notify Underground Service Alert at least two (2) working days prior to doing any digging by dialing 8-1-1.

**EXHIBIT "B"**  
(DRAWING)

SAMPLE