



Our Region's Trusted Water Leader
San Diego County Water Authority

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. In lieu of paper drawings, electronic submittals are acceptable. Your drawing must show the Water Authority's easement and pipelines along with the proposed encroachment. Please refer to the Water Authority's Administrative Code Chapter 7.00.060 (b) for applicable encroachment requirements.

*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. Permit processing time is approximately 30-days following submittal of required information.

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

Enclosures:

Application for Encroachment

Sample Encroachment Permit



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:	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:

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 \$29 for 6 pages) and payable to: *San Diego County Recorder*.

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: _____

**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_____.

(Signature of Applicant)
(Acknowledgement Notarization Required)

(Signature of Applicant)
(Acknowledgement Notarization Required)

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

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