



**City of Oceanside
ENGINEERING DIVISION
INSTRUCTIONS FOR COMPLETING
ENCROACHMENT REMOVAL AGREEMENT (ERA)**

GENERAL INFORMATION

Any construction performed in the public right-of-way (ROW) or City Public Easement, require a Construction Certificate and Traffic Control Plan. An Encroachment Removal Agreement (ERA) is required when Owner/Developer needs to construct and maintain improvements within the ROW or City Public Easement. The ROW is the area beyond your private property line. It includes the Alley, Street, the area between the curb and sidewalk and the entire public sidewalk.

Never assume your property ends at the curb or sidewalk in front of your home. Always verify the location of property line prior to constructing improvements that are near property lines or City Easements. The legal owner(s) of the parcels involved will be responsible for the accuracy of all information submitted in connection with this application.

PROCEDURE

1. Completed application and fees shall be submitted to the Engineering Counter or mailed to:
C/O Counter Supervisor
Engineering Division
City of Oceanside
300 N. Coast HWY, Oceanside, CA 92054.

Please note that an incomplete application will not be accepted.

Applications take approximately 3-5 weeks to process.

2. Upon receipt of all completed forms and exhibits, the Engineering Staff will review and also forward the request to the following City Departments for review: City Attorney, Planning, Water/Utility, Street Maintenance, Slope Maintenance, Public Works and any other department that will be affected by the encroachment.
3. Upon approval, the engineering staff shall prepare the Encroachment Agreement. The owner(s) will be notified to pick up the ERA for execution and of the required fees for recordation. Owner shall submit the executed (signed and notarized) ERA along with a check for exact amount payable to the San Diego County Recorder.

***Attached notary acknowledgement must be California all-purpose acknowledgement or acknowledgement acceptable to the San Diego County Recorder.**

4. Final documents are signed by the City Engineer and the City Attorney. Signed documents and the check for recording fee, are routed to the City Clerk's office for recordation with the Records Office of the San Diego County. The executed document can also be picked up by a Title Company to expedite recordation process at the owner's request and expense.
5. Applicant must apply for Construction Certificate Permit and submit Traffic Control Plan for review **concurrently** with ERA application for any construction to be done on the right-of-way.
6. The recorded documents will be returned to the City Clerk. Owner(s) can obtain a copy from the City Clerk's or County Recorder's Office.

SUBMITTAL REQUIREMENTS

All application forms and samples are available at the front counter of the Engineering Division. For questions and obtaining copy of electronic files, please E-mail Engineering Front Desk Staff at engineeringstaff@ci.oceanside.ca.us.

Note: for better understanding and clarification please see attached samples.

1. ERA application

The application must be filled out completely and **type written**. Briefly describe the type of the improvement and justification/reason for the requested.

2. Proof of ownership

A copy of title policy or preliminary title report (Not more than 30 days old) shall be provided for each parcel. If there has not been any change in ownership for a long time a copy of old title report and grant deed transferring property to present owner will be sufficient.

3. Assessors Map

A copy of the most recent assessors map book page(s) covering the entire site and adjoining lots. Please high light the property

4. Photograph(s)

Please provide photographs of the vicinity (property frontage) where the improvements will be built or exist.

5. Deeds and reference material

Please provide copy of deeds, maps, easement(s), record of survey that may be needed to facilitate the determination of location and ownership of the property.

6. Recording Fee

All documents must be 8-1/2"X11", including notary acknowledgement, or additional recording fees will be charged for the entire document. Recording fees are \$7.00 for the first page and \$3.00 for each additional sheet. The Owner will be notified of the amount and must provide a check in said amount made payable to **San Diego County Recorder** before the ERA will be released for recording with the County Recorder.

7. Exhibit "A" – Site Plan

The attached exhibit must be prepared on 8-1/2"X11" sheets of paper in black ink. All words, lettering, line-work must be clear and legible (Min. 0.1") suitable for microfilming/scanning by the County Records Office or the entire document may be rejected and returned for revision. **Provide 5 copies.** Following minimum information must be provided on the site plan (additional information may be required).

- a. Map scale, north arrow, line type legend, vicinity map, index map for large parcels, assessor's parcel number.
- b. The location of the project site (property lines) in relation to the adjoining lots, existing streets, alleys and distance from the nearest cross street, right-of-way widths and street names.
- c. Show easement location(s) if any, width, type, curb, edge of pavement, trees, power poles, sidewalk, driveways, fire hydrant, light pole, any underground facilities, or any existing feature that may be near by the project and/or affected by the improvements
- d. Show detailed plan and material used for the proposed improvement(s) (**Encroachment**) with sufficient dimensions and distance from nearest property line or street intersection. If improvement(s) (Encroachment) is structure(s) above ground, provide detail (plan, profile, section) of the structure, including; height, width, length, and type of material used.
- e. Include owner and engineer's name, mailing address, phone number, Site address, assessor's parcel number, date and number of sheets.

8. Signature Authorization

If the legal owner(s) is not an individual please submit a legal document to support the identity and title of the person authorized to sign all the above legal documents.

ENCROACHMENT REMOVAL AGREEMENT (ERA)

ERA is a legal document and is required if you construct any private improvements within the Public Right-of-Way or Easement. Permission to construct private improvements will not be granted until the City receives an executed ERA. The ERA will be recorded against the property and shall be binding on the owner and all its successors in interest. All parties named on the deed of Trust/Title must sign, date and notarize their signature and attach the appropriate signature authority.

The following information will be provided by the owner/applicant to be filled in the blank spaces of the agreement by the staff:

- a) **APN :** This is the Assessor's Parcel Number of the Owner's property. The APN number can be found on the Owner's property tax bill or on the Owner's Title Report.
- c) **Owner's name:** Enter name of the legal owner/Trust/LLC, etc. exactly as shown on the title report.
- d) **Property location :** Provide the street address for the property. Vacant property can be described by giving block number and direction. Eg: Northwest corner, 300 block of Lake Road, etc.
- e) **Legal description :** This is the legal description as shown in the title report, such as lot and map number that describes your property (as filed with the County Recorder). Legal description can be found on the grant deed or title policy.
- f) **Description of the Encroachment:** Concisely describe the proposed or constructed private improvement(s) on the right-of-way or easement area. Please be specific and include general measurements (e.g. a 35 feet long, 4' high wooden garden fence encroaching 2 feet along the frontage of the property on the easterly side of Mission Avenue).
- g) **Street name and width:** Provide Street name and right-of-way width when encroachment is within the parkway/right-of-way.
- h) **Encroachment on easement:** Provide copy of recorded easement that you intend to encroach upon. Easement type, width and recording information will be extracted from this document

The standard agreement will be modified for encroachment on easement or on right-of-way.

NOTE: All costs related to the preparation, submittal and recording of the ERA shall be at the Owner/Applicant's sole expense. By accepting the application, the City of Oceanside, its officers, boards, commissioners, employees, agents and representatives, make no warranties, expressed or implied, that permission to place the subject encroachment within the right-of-way will be granted or ERA will be approved.

The OWNER is hereby informed that any private improvements placed within the public right-of-way/easement by owner, its agents and/or contractors without prior written approval and consent by the City is done so at the owner's sole responsibility and risk, and subject to the provisions of Chapter 31 of the Oceanside City Code.

If work requires possible removal of street tree, prior approval from Public Works Department is required.