

# ENCROACHMENT PERMIT APPLICATION PACKAGE

## TENAJA COMMUNITY SERVICES DISTRICT

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**ENCROACHMENT PERMIT**  
**TENAJA COMMUNITY SERVICES DISTRICT**

**What is an encroachment permit?**

An encroachment permit is a written Agreement to allow improvements within the public right-of-way of roads of the Tenaja Community Services District (TCSD). An encroachment permit does not relieve the adjoining property owner of liability for the improvements or the maintenance of those improvements. An encroachment permit does not relieve the adjoining property owner of the liability for the harm the improvements may cause to users of the public right of way.

**When are they needed?**

Any improvement not made in the right-of-way by TCSD requires a permit. Permits must be obtained for all excavations, tree planting and removal, driveway/street installation, utility connections, construction of street improvements or drainage facilities, or any other type of work conducted or improvements made within the road right-of-way.

**What is the road right-of-way?**

The road right-of-way is the **full** area of land described in an Offer of Dedication to the public, or owned by the TCSD. The road right-of-way is the **full** width of land, upon which the traveled way is constructed, which usually extends considerably beyond the edge of pavement (or traveled way) to the edge of the easement on the adjacent private properties.

**What is the purpose of an encroachment permit?**

Encroachment permits provide a means of regulating private improvements within public rights-of-way in order to safeguard the public interest, and enhance both safety and convenience for the traveling public.

**What is the process for obtaining an encroachment permit?**

An application describing the proposed work must be submitted for review and approval by the TCSD Roads Committee. Engineered construction plans must accompany the application, together with a bond or other financial security to assure compliance with the terms of the permit. Encroachment Permit application forms are available from the District office. The improvement made shall remain the maintenance responsibility of the owner or utility making the improvement. A Maintenance Agreement must be signed and accompany the permit application before an approval will be given. The Encroachment Permit application, the Maintenance Agreement, and the plans must be submitted to the TCSD office with the permit fee and deposit. The TCSD Roads Committee will review the plans at one of their regular twice per month meetings, and provide approval within 30 days or less, provided all the documents are correct, complete, and acceptable. The TCSD office will issue the permit in writing to the applicant upon receipt of approval from the Roads Committee.

## HOW TO OBTAIN AN ENCROACHMENT PERMIT

The Tenaja Community Services District (TCSD) requires an encroachment permit for work to be performed within District rights-of-way. The following is intended, as an aid in obtaining the permits.

**ALL PERMITS** require that the TCSD be furnished with the following items:

1. Permit application signed by the owner(s) of record.
2. Engineered plans showing the proposed encroachment(s) and location.
3. Plans must be signed by a California registered engineer.
4. Assessor's Parcel Number (APN).
5. Contractor's name, address, license, and certificate of liability insurance coverage (a minimum of \$1 million of coverage is required with TCSD listed as a named insured).
6. Maintenance Agreement signed by the owner(s) of record.
7. Payment of permit fee and deposit.

All improvements must meet the requirements described in Exhibit A: Improvement Requirements within TCSD Right-of-Way.

Additionally the following information and fees are required. Please note that in all cases, fees MUST be paid and the applicable signed maintenance agreement must be submitted before a permit will be approved. The Encroachment Permit must be issued and a copy must be posted on job site before work can start.

### **Costs for Encroachment Permits**

1. Permit Fee is \$800, and includes the first two inspections. This is a nonrefundable fee.
2. Inspection/Completion Deposit is \$1,000. This \$1,000 Deposit adds to the \$800 nonrefundable permit fee for a total of \$1,800 which must be paid before TCSD will issue a permit. The cost for inspection will be billed on a per hour basis with a 4-hour minimum. The Schedule of Rates is available at the TCSD office. The Deposit will be used to pay the costs of additional inspections after the first two inspections. TCSD will require the Deposit be replenished with an additional \$1,000 after the 4<sup>th</sup>, 6<sup>th</sup>, and so on, inspections to assure adequate Deposit funds remain available to fund inspection of the work.
3. No work shall be done in the right-of-way without District approval and/or a TCSD inspector at the job site. A **48 hour notice** is required before any work can be scheduled. If TCSD's inspector arrives at the job site, but work does not proceed as scheduled, the applicant will be billed \$400 for the TCSD inspector. Contractors should notify TCSD when it is expected that work will not proceed as scheduled. A 24 hour notice is required by TCSD to change schedule.
4. TCSD and/or TCSD's inspector must approve all traffic control. TCSD may issue a stop order for lack of traffic control and safety measures.

**ENCROACHMENT PERMIT APPLICATION  
TENAJA COMMUNITY SERVICES DISTRICT  
43529 Ridge Park Drive  
Temecula, CA 92590  
(951) 699-2918**

Improvement to be made: \_\_\_\_\_

Property Owners Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, and Zip: \_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_ Other phone Number: \_\_\_\_\_

Contact Person/Owner's Agent: \_\_\_\_\_

Contact Person/Owner's Agent phone: \_\_\_\_\_ email: \_\_\_\_\_

Assessor's Parcel Number \_\_\_\_\_

**I (We) agree** to the following items:

- Indemnify, defend and save the District, its authorized agents, officers, representatives and employees, harmless from and against any and all penalties, liabilities or loss resulting from claims or court action arising out of any accident, loss or damage to persons or property happening or occurring as a proximate result of any work undertaken under the permit granted pursuant to this application.
- No work will begin until this encroachment permit has been approved in writing by Tenaja CSD, and Tenaja CSD will be notified 48 hours prior to start of work.
- All work will be done in accordance with the permit application and the plans submitted with the permit application. Any corrections to the work required in the judgment of Tenaja CSD to comply with the plans shall be paid for by the Permittee.
- The work will be completed within 120 days of the date of issuance of the permit.
- This permit application shall expire 2 years from the date shown below, unless an extension is given in writing by Tenaja CSD.
- Remove or relocate or maintain an encroachment upon written notice from Tenaja CSD.
- Accept full responsibility for compliance with Federal, State, County environmental laws, including receiving any necessary environmental clearances and taking full responsibility should agencies request remedial work or corrections.
- To keep and maintain the work area in a safe and serviceable condition in accordance with standards adopted from time to time by the Tenaja Community Services District and OSHA. If, upon service of notice to perform, the Permittee fails to comply, the District may cause the maintenance to be performed at the Permittee's or their Successor(s) expense.

This Permit is subject to summary cancellation by the District if the Permittee or their successor(s) fail to strictly comply with any term or condition hereof.

**I (We) acknowledge receipt of a copy of this application and agree to said terms.**

\_\_\_\_\_  
Property owner signature  
as Permittee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property owner signature  
as Permittee

\_\_\_\_\_  
Date

**ENCROACHMENT MAINTENANCE AGREEMENT**

This Agreement is executed in conjunction with Encroachment Permit No. \_\_\_\_\_.

The undersigned is the Owner of the property adjacent to the improvement made under the Encroachment Permit cited above, and the Owner acknowledges and agrees to the following:

1. This Agreement shall be binding upon the Owner and all successors in ownership.
2. This Agreement shall be recorded on the title of the property adjacent to the improvement, and the recording shall be in the form of a Notice of Permissive Use of Public Right-of-Way.
3. The Encroachment Permit cited above grants the Owner permission to make improvement(s) in the public right-of-way, and does not grant the Owner, or his successors, any additional right, title, or interest in the public right-of-way.
4. The maintenance of the improvement(s) shall remain the responsibility of the Owner, and his successors.
5. Owner acknowledges and agrees that Tenaja Community Services District has the sole right to demand for any reason that improvement(s) be maintained, or removed, within 30 days notice. Said maintenance or removal shall be done at Owner's sole expense.
6. Owner acknowledges and agrees that Tenaja Community Services District maintains the right to immediate access to the right-of-way to perform any Tenaja Community Services District authorized work in the right-of-way.
7. Owner acknowledges and agrees to hold Tenaja Community Services District harmless of any and all losses due to the removal or destruction of any improvement(s) covered by the permit cited above.
8. Owner acknowledges and agrees to maintain the improvement(s) covered by the permit cited above to assure said improvement(s) do not hinder or alter or make unsafe the public's right of access to the right-of-way.
9. Owner agrees that if Tenaja Community Services District must perform work on the improvements for any reason, the Owner shall reimburse Tenaja Community Services District for the costs incurred. Corrective work includes, but is not limited to, mud removal, re-grading, sand bags, signage, and additional inspections.
10. This Agreement shall be interpreted in accordance with the laws of the State of California.

Agreed:

Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Printed name: \_\_\_\_\_ APN: \_\_\_\_\_

**Tenaja CSD:** \_\_\_\_\_

Exhibit "A"

IMPROVEMENT REQUIREMENTS WITHIN Tenaja CSD Right-of-Way

1. Improvements shall not interfere with the natural drainage, and shall preserve safe use of the public right-of-way.
2. If a culvert is required as part of the improvement, it shall be of adequate size for the area drained. The applicant shall provide a hydrology study by a registered engineer sizing the culvert.
3. If a culvert is installed under a driveway/street, it shall be 14 gage and a minimum 18" diameter CSP. If multiple pipes are required, there shall be 1/2 diameter separation between pipes.
4. If the improvement is a driveway, it shall be surfaced with 3" minimum of AC pavement or 4" of Portland cement concrete to at minimum 20' from the edge of the paved roadway. The centerline of the driveway shall connect at 90° to the centerline of the paved roadway. The driveway/street must be graded in such a manner that no water will drain onto the paved roadway. An Engineered Plan must be submitted showing the plan and profile of the connection at the paved roadway. A compaction report must be filed for TCSD approval before final surfacing begins.
5. If the improvement is a utility installation with trenching in a TCSD paved roadway, the pavement shall be replaced with 3" of AC on 6" of Class II base. The entire trench, including 2' under adjacent paved area, shall be compacted to 95%, and a soil compaction report must be submitted. The minimum R-value shall be 70. The number and locations of compaction tests will be determined by the TCSD inspector. Trenches under pavement shall be slurried with a 1-sack mix to 9" below existing pavement. All striping, signage, and pavement reflectors shall be replaced.
6. All work in, on, or under TCSD paved roads shall comply with TCSD Ordinance 4.
7. All Driveway/Street improvements shall comply with the District's Standard Drawings Numbers 111, 112, 113 and 114.
8. Work must be completed within 120 days from the date of permit issuance unless an extension is given by the District in writing. Any costs for work not completed, and/or any corrections to the work, will be taken from the Deposit and/or paid for by the property owner.
9. All traffic control shall be the responsibility of the installing contractor making the improvement(s).
10. Failure to seek or comply with these requirements may result in issuance of a "stop work" order or revocation of any existing encroachment permit, and may require removal of non-permitted works of improvement as determined by the TCSD inspector.

Exhibit "B"  
**CHECK LIST FOR ENCROACHMENT PERMIT APPLICATION**

Tenaja CSD will only allow licensed, insured, contractors to work in any right of way, utility locations, driveway/streets.

Completing the Permit Application paperwork and receiving a TCSD clearance letter to the County of Riverside does NOT imply you have an encroachment permit.

There are several items that must be submitted before the permit is issued.

**CHECK OFF LIST FOR DRIVEWAY/STREET ENCROACHMENTS**  
 (for use by Tenaja CSD staff)

ITEMS RECEIVED AND ATTACHED	RECEIVED YES X	INCOMPLETE PERMIT <b>NOT</b> VALID UNTIL COMPLETED
Permit application signed by owner of record with signed Maintenance Agreement		
Assessor's Parcel Number listed on application		
Check(or other funds)for permit fee plus the required deposit		
Engineered plans showing improvement(s)		
If culverts are required, hydrology study including showing sizing		
Plan & Profile plans for improvement(s) area and flow lines		
*Compaction test/soils report		
Contractors information and insurance documents- as required (if multiple contractors are involved insurance documents must be filed for each)		

\* Must have signed variance from Roads Committee or TCSD Inspector if not required