



ENCROACHMENT AGREEMENT PROCESS

An **Encroachment Agreement (EA)** will allow you to locate an item (a fence, for example) in the public street right-of-way (ROW) or on a public utility easement that the City controls. The EA is recorded on the benefiting property's title, and is revocable by the City. You may request a sample EA to review in advance. ***Before submitting any of the EA items, you must first obtain the City's preliminary approval for the encroachment.***

Encroachment Agreement Requirements:

- Payment of the Encroachment Agreement fee.** Refer to the Fee Schedule for the current fee amount, which is updated annually. The Fee Schedule is on the City's website here: <https://www.vista.gov/departments/community-development/permits-forms>
- Proof of ownership.** A copy of the title policy, preliminary title report (Not more than 30 days old), or an official copy of the current vesting deed shall be provided for each parcel.
- Property legal description.** A copy of the property legal description for each parcel labeled "Exhibit A". This can be the legal description from the deed for the property or a signed and sealed legal description prepared by a licensed land surveyor.
- Plat map exhibit showing the encroachment's location** with respect to the easement or right-of-way and public improvements in the immediate area. This exhibit should be:
 - Titled as "Exhibit B" at the top.
 - Formatted to be 8 ½" x 11" (either portrait or landscape orientation).
 - Black and white (no color).
 - Minimum 8 pt font size.
 - Clearly show the encroachment's location and dimensions, and the easement or right-of-way it encroaches onto. Clearly show the easement or right-of-way dimensions.
 - Label properties shown with their Assessor Parcel Numbers (APN).
- Insurance certificate and endorsement** naming the City of Vista as an additionally insured party – see Exhibit C to the sample EA for detailed insurance requirements.
- If the property owner is a corporation, LLC, or partnership, provide the authorizing resolution or other **authorizing document for the EA signer(s)**.

Once these items have been submitted to Bruce Bonde, Right of Way Agent, the City will proceed to issue a final EA that the property owner will sign; signature(s) must be notarized. The City Clerk's office can notarize signatures for a fee, or you can have them notarized elsewhere. Be sure to attach the notary public's Acknowledgment form with your submittal.

Once the City has received the owner-signed EA and insurance documentation, the City will process the EA for the City's signatures. Once this is done, the City will proceed to record the EA on the subject property through the San Diego County Recorder's Office. Afterward, the applicant/owner will reimburse the City for the County's recordation fee (based on the number of pages in the EA), per Section 9 of the EA.

Annually, and for as long as the EA is in effect, you will provide the City Clerk's office with an updated insurance certificate.

If you have any questions, please contact Bruce Bonde, Right of Way Agent, at (760) 643-5412 or bbonde@vista.gov.