



STAFF REPORT

CITY of YORBA LINDA

PUBLIC WORKS DEPARTMENT

DATE: MAY 20, 2025

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JAMIE LAI, P.E., DIRECTOR OF PUBLIC WORKS / CITY ENGINEER
PREPARED BY: REGINA HU, P.E., PRINCIPAL CIVIL ENGINEER

SUBJECT: ENCROACHMENT ONTO CITY EASEMENT – 5122 RICHFIELD ROAD

RECOMMENDATION

It is recommended that the City Council:

- 1) Authorize the 6-foot-tall wooden fence to remain on 5122 Richfield Road, and
- 2) Determine such encroachments will not adversely impact on the City's property, City's facility, or the general public safety, and
- 3) Require the property owner(s) at 5122 Richfield Road to execute a Declaration of Restrictive Covenants Agreement pursuant to City Council Policy E-5.

BACKGROUND

The subject property is located at the northeast corner of Richfield Road and Kennon Drive (see Attachment 1). The following easements exist at 5122 Richfield Road (subject property, collectively owned by Brandon Gilson, Macy Gilson, and McKenna Capen, see Exhibit B of Attachment 2):

- 1) A City Storm Drain Easement – at the southwest corner of the property
- 2) A Yorba Linda Water District 12.5-ft wide sewer pipeline easement
- 3) A Metropolitan Water District 40-ft wide water pipeline easement

The new property owners (Gilson and Capen) purchased the property in 2023 and replaced a perimeter chain link fence with a 6-foot-tall wooden fence. Portions of the wooden fence encroach onto the City's storm drain easement as shown on Exhibit C of Attachment 2.

DISCUSSION

The current Policy E-5, adopted in 2023, addresses the use of City-held easements. The City owns easement rights over properties citywide for various defined uses. In the Encroachment Permit section of the E-5 Policy, "no significant impact" is defined as less than one foot of encroachment onto City-owned property / easement (See Attachment 3).

The policy continues to state that over one foot of encroachment constitutes a property / easement vacation process or a Declaration of Restrictive Covenant agreement (See Attachment 2).

The fencing improvements within the City easement area were evaluated by the property owner with Public Works and determined to have no physical adverse effects on the City's daily use of the storm drain easement and does not adversely impact existing buildings, adjacent properties, or the safety of the public. The area enclosed by the new wood fence will be kept clear of any other encroachments.

Staff recommend that the newly installed fencing improvements within City easement be permitted and requests authorization for City Council to grant the subject property owner(s) permission to keep the fencing improvements in place on City easement, and to enter into a Declaration of Restrictive Covenants Agreement (Agreement). This Agreement requires the subject property owner(s) to bear any costs for damage to City property and includes an indemnity clause to protect the City from any future liability or lawsuits relating to the improvement(s). In addition, the property owner would be responsible for the removal / replacement costs of said improvement(s) in any event. The Agreement will be recorded with the County and will bind all future owners of the property.

The property owners have also submitted for a Building Permit with proposed garage and additions to their residence (see Attachment 4). There are no additional encroachments anticipated on the City's easement besides the fencing at this time. Any future encroachments will require amendments to the Declaration of Restrictive Covenant. The pending Building Permit shall not be issued until all terms of the Agreement are satisfied.

The fencing improvements will also require a similar Declaration of Restrictive Covenant to be approved by Yorba Linda Water District.

FISCAL IMPACT

There is no direct fiscal impact. The subject property owner(s) paid for the removal/ replacement costs of said improvement(s) on City property. Any future improvements shall be subject to terms of the Agreement.

ALTERNATIVES

Deny the subject property owner(s) improvement within the City property. This alternative is not preferred as the newly installed wooden fencing is in better condition than the previous chain link fence. Denying this request would leave the property without a frontage enclosure and subject to potential trespassing.

ATTACHMENTS

Attachment 1 – Vicinity Map

Attachment 2 – Declaration of Restrictive Covenants Agreement

Attachment 3 – E-5 Encroachment Policy

Attachment 4 – Proposed Improvements on 5122 Richfield Road
