

## **12.0 Encroachment Reduction Plan**

An encroachment is the use of a piece of property by a neighboring property without explicit permission. With over 800 acres divided between 54 locations, the Wheaton Park District has many neighbors and the potential for numerous encroachments. In 2001, with the use of aerial surveys, an inventory of potential encroachments was begun. These encroachments range from things that are as innocuous as planting beds that may have spread into a park to blatant encroachments such as built improvements within a park.

Ideally we would be able to prevent all types of encroachment. At a minimum, we must seek to eliminate those encroachments that expose the park district to immediate liability or lose of public enjoyment for an area of the park. Since the inventory has been completed, we have addressed some of these concerns.

### **Encroachment Categories**

The following categories have been developed to assist in determining the severity of an encroachment. These are somewhat subjective in nature and can certainly be interpreted differently depending on one's frame of reference. It may be necessary to consult our risk management agency or legal counsel for their opinion on some encroachments if they cannot be easily resolved with our neighbors.

Category 1 - Permanent or significant structure placed on park district property or an activity that creates exposure to liability.

Category 2 - Significant "improvement" created upon park property through maintenance or landscaping that is primarily for the benefit of the neighboring property.

Category 3 - Primarily landscaping encroachments that are resident initiated.

Category 4 - Landscaping encroachments that are potentially inadvertent, of unknown source, or resolvable through maintenance.

Category 5 - Insignificant landscape encroachments or actions which are easily resolved.

### **Five Year Plan**

In the next three to five years, it will be necessary to review the previously identified encroachments and identify any new encroachments. There have been significant advancements in our technical ability to identify encroachments using aerial photography and our Geographical Information System (GIS) which will allow a much more thorough assessment than was previously done.

As potential encroachments are identified, we will need to develop a protocol for the actions that will be taken. It is recommended that categories one through three receives initial attention. At a minimum, this is likely to require notification of the neighboring resident to make them aware of the situation. It

is expected that voluntary compliance will resolve most issues. Further action could require coordination with the City of Wheaton for code compliance or as a last resort – legal action. In special circumstances, it may be possible to grant an easement or license to allow an encroachment to remain for a period of time if it is considered unobtrusive (sample agreement included in appendix). Our boundaries should be assessed on a regular basis to prevent future encroachments.