



Staff Report

TO: City Council
FROM: Steven D. Jones, Community Development Director
DATE: August 19, 2025
SUBJECT: Consideration of a Long-Term Revocable Encroachment Permit Agreement

Description The City Council will consider approval of a long-term revocable encroachment permit agreement between the City of Beaumont and the owner of a single-family residence located at 1085 Palm Avenue. The agreement would authorize the property owner to maintain an existing split-rail fence constructed within the public right-of-way fronting the residence.

Background and Analysis:

As part of several improvements done to the subject property, the owner decided to remove an existing chain-link fence and replace it with a vinyl split-rail fence along the front of the property, which is located on the southwest corner of Eleventh Street and Palm Avenue. Unbeknownst to the property owner who had recently purchased the home, the old chain-link fence, which had existed for many years, was located within the City's right-of-way similar to the fences on adjacent properties. The owner was simply looking to improve the aesthetics of the property by replacing the old chain-link fencing with the new split-rail fencing.

Removing the newly installed fencing presents an economic hardship and requires the removal of a mature tree that currently straddles the property line. Since no plans currently exist to widen Eleventh Street or Palm Avenue, the owner has agreed to pay for an encroachment permit agreement that would require him to remove the fencing when the public right-of-way is developed or improved. The owner further understands that there is no guarantee this agreement will be approved. Staff are merely presenting the item to the City Council for consideration.

City staff conducted a field review of the site and confirmed that the new fence does not interfere with utility infrastructure nor present any immediate safety hazard. The fence is low-profile, consistent with neighborhood character, and does not obstruct visibility for vehicles or pedestrians since the fence is 50 percent open (Refer to Attachment 3, Before-and-After Pictures of Fenced Area).

To address this encroachment formally and ensure ongoing compliance, staff recommends issuing a long-term revocable encroachment permit agreement. This agreement would allow the property owner to maintain the fence on city-owned property with the understanding that the City retains the right to revoke the permit at any time and for any reason, including future infrastructure needs or changes in policy.

City Engineer's Comment

While this specific request has minimal impact on the City's right-of-way, the City Council should carefully consider the precedent that will be set by permitting a resident to install, maintain, and operate a private facility within the public right-of-way. The City Council has previously approved encroachment agreements for HOA-maintained entry monuments at Fairway Canyon and Flock cameras through the City. In both cases, a separate encroachment permit is required for the entity to encroach within the public right-of-way to repair, maintain, and access the respective facility. For full disclosure, it should also be noted that the Beaumont Municipal Code requires the owner of private property to maintain landscaping within the public right-of-way for strips of parkway abutting the private property's frontage.

Fiscal Impact:

The cost to prepare this staff report was approximately \$450.

There is no direct fiscal impact to the City associated with this action. Any costs related to the fence's maintenance, repair, or removal in the event of permit revocation will be the responsibility of the property owner per the terms of the agreement.

Recommended Action:

Approve the long-term revocable encroachment permit agreement with the property owner; and
Authorize the City Manager or designee to execute the agreement on behalf of the City.

Attachments:

- A. Long-Term Revocable Encroachment Permit Agreement
- B. Encroachment Permit Site Plan and Pictures of the Fenced Area