



## Item No. 16 Town of Atherton

### **CITY COUNCIL STAFF REPORT – REGULAR AGENDA**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
GEORGE RODERICKS, CITY MANAGER**

**FROM: ROBERT OVADIA, PUBLIC WORKS DIRECTOR**

**DATE: JULY 18, 2018**

**SUBJECT: REVIEW NOTIFICATION LETTERS TO PROPERTY OWNERS  
ALONG THE HOLBROOK-PALMER PARK FENCE LINES**

#### **RECOMMENDATION**

Review and provide direction regarding notification letters to property owners along the Holbrook-Palmer Park fence line.

#### **BACKGROUND**

In October 2017, the City Council received a report regarding private gate access to Holbrook-Palmer Park. There are 21 private residences that border Holbrook-Palmer Park. There are four (4) houses in Atherton, along Lane Place and 17 houses in Menlo Park, in the Felton Gables neighborhood. The prior report indicated that the existing fences may not be located on the property line between the park and the private residences.

As part of the Water Capture Facility project proposed at Holbrook-Palmer Park, a boundary survey was conducted. Staff presented the results of the boundary survey to the Council at its June 6, 2018 Study Session. The survey confirmed that the fence line on the north side of the Park (adjoining the properties located on Lane Place) are located on the other side of the Park property line (private property side), by approximately 5 feet. The survey also showed that the majority of the fence on the east side of the Park (adjoining the properties in Menlo Park) is located on the park property. The encroachments are predominantly less than two feet, with a several areas that encroach between two and three feet and an area that encroaches almost four and one-half feet.

At the Study Session the Council advised that existing fences should be permitted to remain in their current locations and directed staff to prepare notification letters to the property owners regarding the fence locations and advising them to obtain an encroachment permit for fences that are located on Park property. Due to liability concerns regarding gates that provided direct access to the Park, the City Attorney suggested that the letters include language regarding such liability to those properties with access gates.

**ANALYSIS**

Pursuant to Council direction at the June 6, Study Session, staff drafted two standard letters to the property owners (Attachments 1 & 2) advising property owners of the fence locations. Additional language regarding liability was included for those properties with access gates to the park. Below is the listing of private properties abutting the Holbrook-Palmer Park.

APN	ADDRESS	FENCE LOCATION	FENCE TYPE	GATE (Y/N)
061-330-100	61 Lane Place	Private Property	wood	Y
061-330-090	95 Lane Place	Private Property	wood	N
061-330-080	95 Lane Place	Private Property	wood	Y
061-330-070	99 Lane Place	Private Property	wood	N (abuts Gilmore house)
061-310-200	194 Felton Drive	Park Property	wood	Y
061-310-190	200 Felton Drive	Park Property	wood	Y
061-310-180	202 Felton Drive	Park Property	wood	Y
061-310-170	208 Felton Drive	Park Property	wood	Y
061-310-160	212 Felton Drive	Park Property	wood	Y
061-310-150	218 Felton Drive	Park Property	wood	Y
061-310-140	220 Felton Drive	Park Property	wood	Y
061-310-130	230 Felton Drive	Park Property	chain link	N
061-310-120	246 Felton Drive	Park Property	wood	Y
061-310-220	280 Felton Drive	Park Property	wood	N
061-310-210	300 Felton Drive	Park Property	conc/wood	Y
061-310-240	328 Felton Drive	Park Property	wood	Y
061-310-230	346 Felton Drive	Park Property	wood	Y
061-310-060	350 Felton Drive	Park Property	wood	Y
061-310-050	360 Felton Drive	Park Property	wood	Y (behind tennis fence)
061-310-040	378 Felton Drive	Park Property	wood	N
061-310-030	380 Felton Drive	Private Property	wood/wire	N

**POLICY FOCUS**

The Council's policy discussion should focus on the notification letters and duration of fee waivers.

**FISCAL IMPACT**

The fiscal impact associated with this item is limited to mailing costs and fee waivers at this time.

**COMMISSION/COMMITTEE FEEDBACK/REFERRAL**

This item \_\_\_\_ has or X has not been before a Town Committee or Commission.

- Audit/Finance Committee (meets every other month)
- Bicycle/Pedestrian Committee (meets as needed)
- Civic Center Advisory Committee (meets as needed)
- Environmental Programs Committee (meets every other month)
- Park and Recreation Committee (meets each month)
- Planning Commission (meets each month)
- Rail Committee (meets every other month)
- Transportation Committee (meets every other month)

**ATTACHMENTS**

ATTACHMENT 1 - Letter to property owners with fences on park property

ATTACHMENT 2 - Letter to property owners with fences on private property



Attachment 1

**Town of Atherton**  
**Public Works Department**  
**91 Ashfield Road**  
**Atherton, California 94027**  
**Phone: (650) 752-0570**  
**Fax: (650) 688-6539**

July 11, 2018

Property Owner  
APN  
Address 1  
Address 2  
City, CA ZIP

RE: Holbrook Palmer Park Fence and Access

Dear Sir/Madam:

The Town has recently completed a boundary survey of Holbrook Palmer Park. Upon review of the survey, it has come to our attention that the existing fence between the Park and your property is located on the Park side of the property line. To maintain the fence in its current position, please complete and sign the attached encroachment permit application along with a copy of your homeowner's policy listing the Town of Atherton as an additional insured. Standard encroachment permit fees will be waived for completed applications submitted by September 15, 2018. Applications submitted after this date may incur standard permit charges of \$191.50 or be subject to relocation at your expense.

Enclosed is a copy of the boundary survey exhibit for your reference. Should you believe that the Town's property survey is inaccurate, you may contract with your own independent surveyor at your expense.

Please understand that though the Town will agree to allow for the current fence to remain in its current location with an encroachment permit, when repaired or replaced, it shall be located on the private property side of the property line. As fence gates provide a liability risk to both the Town and the property owner, it is recommended that such gates be removed. The Town will not be liable for any loss, damage or injury associated with gates located along the perimeter fence. Should you intend to keep an access gate, please indicate so on your permit application.

Commented [R01]: For properties with gates

Should you have any questions regarding the encroachment permit application process, or this notice, please contact the Public Works Department at (650)752-0570.

Sincerely,

George Rodericks  
City Manager

Attachment 1 – Encroachment Permit Application  
Attachment 2 – Boundary Survey Exhibit

cc: Mark Muenzer, Menlo Park Community Development Director

Commented [R02]: For properties in Menlo Park



Attachment 2

**Town of Atherton**  
Public Works Department  
91 Ashfield Road  
Atherton, California 94027  
Phone: (650) 752-0570  
Fax: (650) 688-6539

July 11, 2018

Property Owner  
APN  
Address 1  
Address 2  
City, CA ZIP

RE: Holbrook Palmer Park Fence and Access

Dear Sir/Madam:

The Town has recently completed a boundary survey of Holbrook Palmer Park. Upon review of the survey, it has come to our attention that your fence between the Park and your property is located approximately five feet from the property line, on your property. Enclosed is a copy of the boundary survey exhibit for your reference. This notice is being provided for informational purposes only, and no action is required at this time unless there is an access gate to the park. .

As fence gates provide a liability risk to both the Town and the property owner, it is recommended that such gates be removed. The Town will not be liable for any loss, damage or injury associated with gates located along the perimeter fence. The Town will permit the retention of existing gates into the park for those properties that obtain an encroachment permit. Standard encroachment permit fees will be waived for completed applications submitted by September 15, 2018. Applications submitted after this date may incur standard permit charges of \$191.50. Please complete and sign the attached encroachment permit application and submit to the Town along with a copy of your homeowner's insurance policy listing the Town of Atherton as an additional insured.

Commented [R01]: For properties with gates

Please contact the Public Works Department at (650)752-0570 if you have any questions regarding the encroachment permit application process, or this notice.

Sincerely,

George Rodericks  
City Manager

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Attachment 2 – Boundary Survey Exhibit

cc: Mark Muenzer, Menlo Park Community Development Director

Commented [R02]: For properties in Menlo Park