



Dallas Park & Recreation Encroachments on Park Property



**Park and Recreation Board
August 19, 2021**

Purpose

To provide an update on park encroachment issues to the Dallas Park and Recreation Board, and seek board guidance on policy regarding encroachment enforcement on city park properties.

Overview

- What are encroachments?
- Examples of encroachments in Dallas parks
- Current procedures
- Policy guidance



Still in place

What are encroachments?

“Encroachment – An illegal intrusion into land without authorization; an illegal intrusion with claim of right.”

NRPA CAPRA Accreditation Handbook, 2019

“Encroachment is the unlawful, unauthorized, or unpermitted use of the property of another. An encroachment is often thought of as a structure, such as a fence or part of a building, but an unauthorized use, such as parking, a storage area or garden, may also be considered an encroachment.”

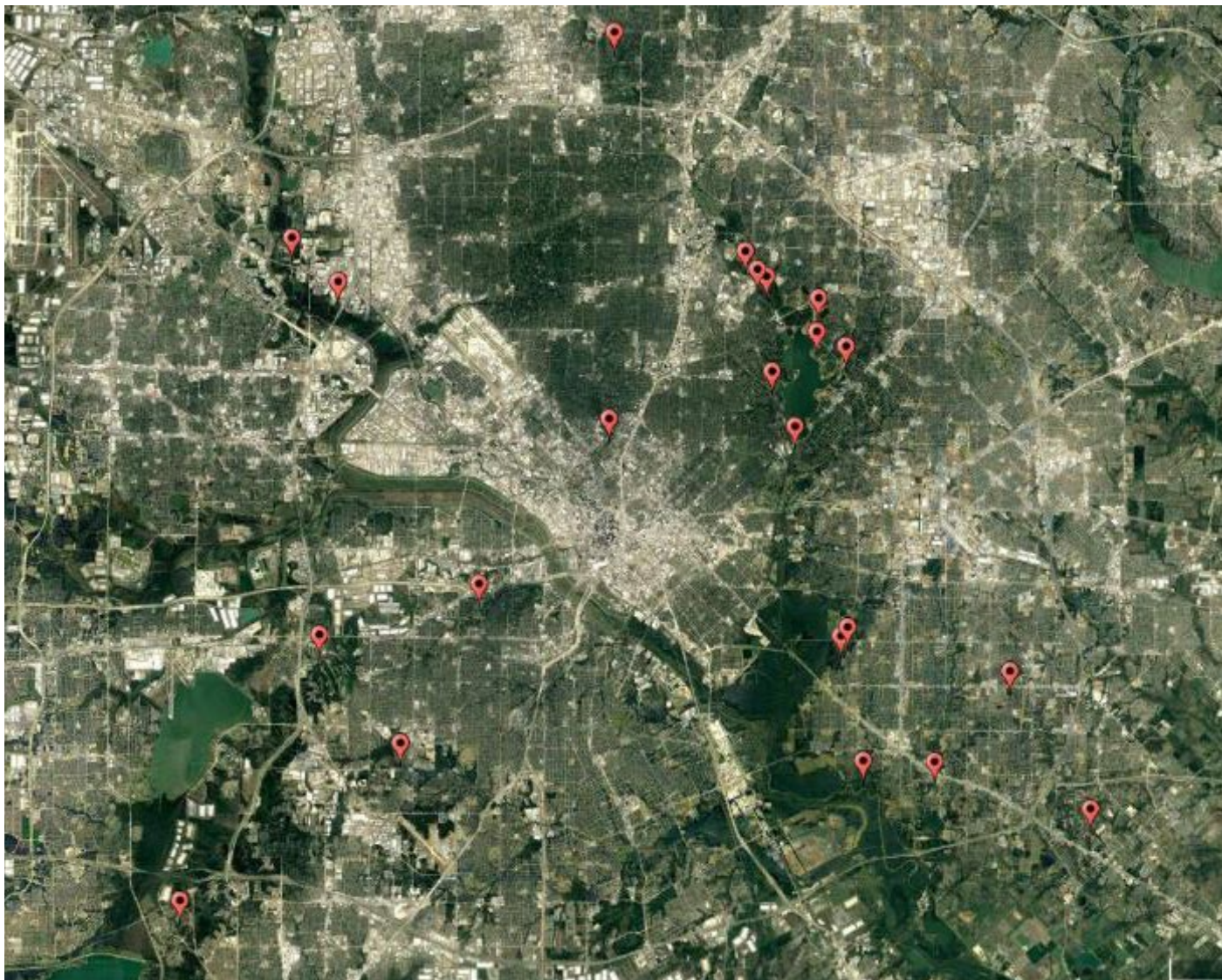
<https://www.seattle.gov/parks/about-us/policies-and-plans/boundaries-and-encroachments>

Types of Encroachments

- **Buildings or structures**, such as garages, sheds, fences, playhouses or tree houses, swing sets or other play equipment;
- **Private-use areas**, such as parking spaces, patios, gardens, play or sport areas;
- **Storage areas** for belongings, such as boats, RV's, firewood, gardening equipment;
- **“Stuff you usually keep out of sight”**, such as trash cans, compost bins, yard waste piles, junk cars, dumping of other debris or litter;
- **Privately installed landscaping**, such as hedges or borders that "claim" public property or limit the public's use or enjoyment of it.

<https://www.seattle.gov/parks/about-us/policies-and-plans/boundaries-and-encroachments>

Distribution of Current and Historic Encroachments in Dallas Parks



Buildings or structures



- Numerous docks, sheds, stairways, a swimming pool
- Common in White Rock Creek corridor and along the Katy Trail
- Large shed and gazebo removed from Devon Anderson Park in 2018



Private-Use Areas



- Fenced off areas of city property—Commercial and residential
- Commercial businesses, isolated areas behind homes, party areas, parking lots, road extensions from development, part of gravel pit

Storage Areas

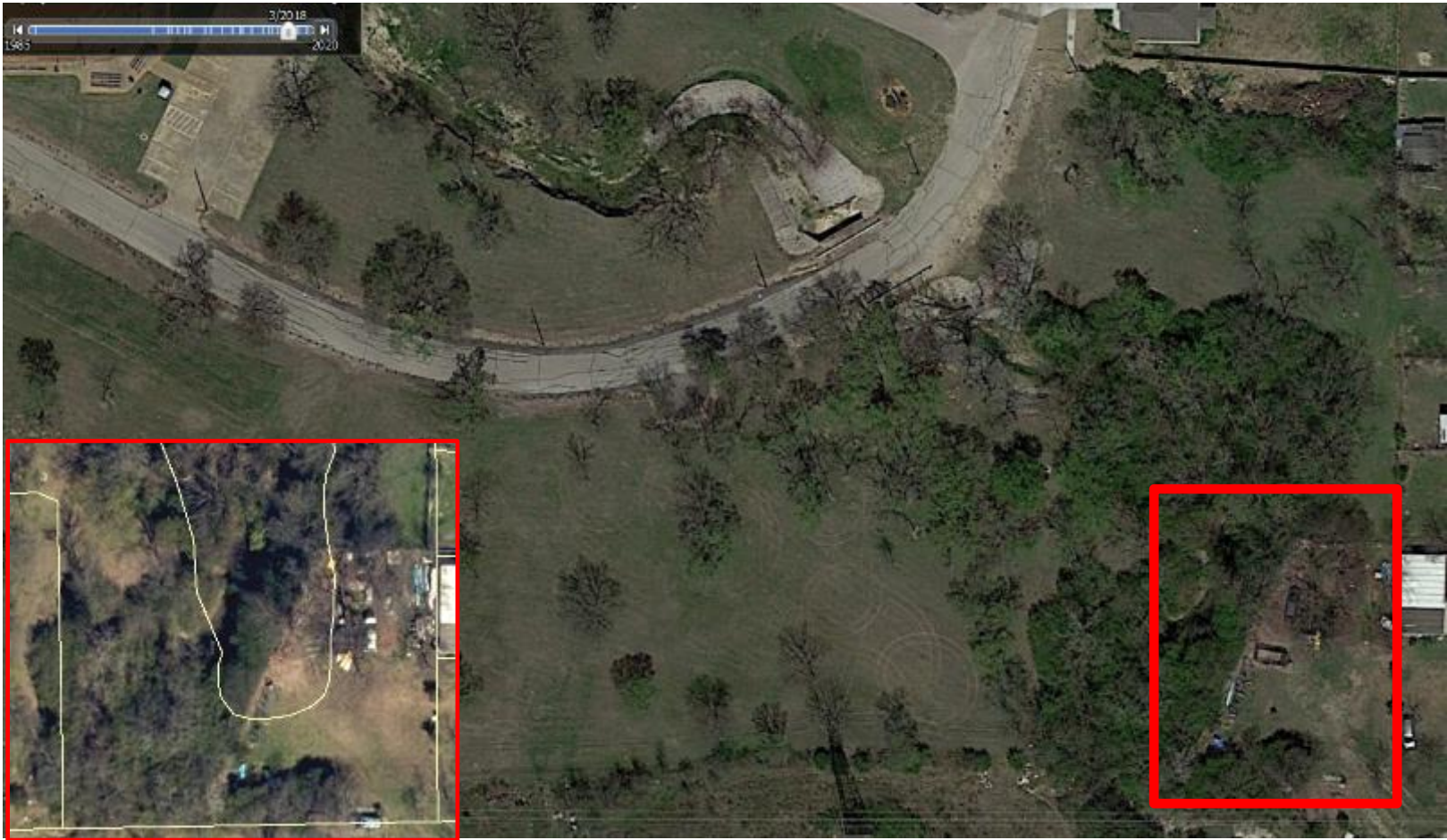
Example from 2017---hidden RV parking area and hedge row on park property



Large shed, swings, gazebo and lawn storage at Devon Anderson Park. Removed in 2018

DCAD 2019 with RV and hedge row removed

“Stuff You Usually Keep Out of Sight”



~0.25 acres, first noticeable in 2007

Privately installed landscaping

2015

2017

Current



2016 Encroachment with many issues that caused the department's interest in encroachments. Ultimately, this encroachment dating back to 1965 was removed.

Large Encroachments



~3.3 acres. Wetland and floodplain issues. Goes back to at least 2001.



Recent city purchase. Gravel mine came in after the purchase. Illegal dump site partially on park property.

Current Procedures

1. Dallas Park and Recreation Department Staff become aware of possible encroachment
 - A. Field Staff
 - B. Urban Biologist
 - C. Citizen Reports
 - D. City Survey Crew
2. Department staff confirms possible encroachment
3. Issue is directed to PMO Area Manager
 - A. Send letter to the encroaching party
 - B. Consult Code Compliance
 - C. Schedule site visit
 - D. Contact the City Attorney Office
4. If there is a question regarding the property boundary, request survey for boundary delineation
5. Continue ongoing consultation with City Attorney Office

Next Steps

- Monitor park boundaries annually
- Ensure property lines are clearly defined
- Post written regulations on website
- Develop encroachment policy to provide for specific guidance to residents and business owners

Policy Guidance Considerations

- Engage Code Compliance and City Attorney to secure removal of encroachment
- The sale of the encroachment area (state law referendum may apply)
- Lease/License of the encroachment area for public purpose



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