The Columbia Association is responsible for preserving and maintaining approximately 3600 acres of open space for the betterment of the Columbia community.

Until just this year, encroachments that negatively affect CA’s preservation of the open space were handled on a complaint-driven basis. Recent advances in technology, however, now allow us to proactively manage our property.

Going forward, our process for addressing encroachments will include discussions with village association covenant advisors to coordinate covenant enforcement efforts with actions to handle encroachment violations.
Updated Process

- Established identification and tracking system
- Held workshops with Village Managers and Covenant Advisors to develop notification and enforcement process
  - Revised process to include:
    - Village manager & covenant advisor notifications
    - Verifying RAC status for moving structures
- Standardized communication and enforcement policies
- Developed CA branded witness posts for property marking
Identifying Encroachments

- Aerial imagery – reviewed by CA Open Space staff
- Covenant Advisor
- Open Space visual inspections in the field
- Professional boundary surveying
  - Possible cost-sharing when initiated by resident
Encroachments Notification Process

**MAJOR ENCROACHMENT** - Removal required immediately

**MINOR ENCROACHMENT** - CA annual charge payers only; Per agreement, removal required upon property transfer or deterioration of encroachment

**LANDSCAPE ENCROACHMENT** - CA annual charge payers only; Per agreement, removal required upon property transfer or deterioration of encroachment

1. Resident complaint
2. Neighborhood/village report
3. CA field crew observations
4. Geographic Information Systems (GIS) - aerial imagery observation

In-house visual verification utilizing Howard County GIS

1. On call surveyor field measures property boundaries and purported encroachment.
2. Provides individual graphical survey

Determines appropriate notification process (i.e. type and extent)

**Major Encroachment**
- First notification
  - Structures more than 2 feet over property line with footer or foundation wall (i.e. fences, retaining walls, decks, driveways)
  - Encroachment removed
    - Unresponsive
      - Notify village office
    - No further action
  - Second notification 90 days after first notification
  - Third notification 90 days after second notification
  - CA legal action

**Minor Encroachment**
- First notification
  - Structures less than 2 feet over the property line and without footer or foundation wall (i.e. fences, driveways)
  - Agreement signed
    - Unresponsive
      - Notify village office
    - No further action
  - Second notification 90 days after first notification
  - Third notification 90 days after second notification
  - CA legal action

**Landscape Encroachment**
- First notification
  - Minor landscaping (i.e. mulch beds, plantings) but not landscaping structures (i.e. retaining walls)
  - Agreement signed
    - Unresponsive
      - Notify village office
    - No further action
  - Second notification 90 days after first notification
  - Third notification 90 days after second notification
  - CA legal action
Communication Process

- Updated & standardized communication with property owners
  - 1st, 2nd, 3rd notification letters for Major Encroachments
  - Landscaping acknowledgement
  - Minor encroachment acknowledgement (no action required)
Boundary Marking
Subject: Encroachment on CA Open Space Lot # ___

Dear ________________:

During a recent inspection of Columbia Association (CA) Open Space, we observed that your ________________ extends beyond the boundary of your property and encroaches on CA Open Space. CA’s surveyor has confirmed this encroachment. We have enclosed for your convenience a copy of the survey showing the existing encroachment.

We understand that identifying your property boundary lines can sometimes be difficult, so we wanted to make sure you are aware of this encroachment and of the Rules and Regulations for CA Open Space, #16, which provides:

“No structures, either temporary or permanent, may be erected on Open Space, nor may any alteration of Open Space property take place without the written permission of the Columbia Association.”

Given that this encroachment violates CA’s property rights as well as the CA Open Space Regulations, please remove the encroachment(s) from CA Open Space and restore the Open Space to its original condition by ______________________.

If you have any questions, please feel free to call me at 410-381-3470, Monday through Friday between 7:30am and 4:00pm.

Sincerely,

Assistant Division Director
Open Space Maintenance & Services

Enclosures: Copy of Property Plat
Subject: Second Notice of Encroachment on Columbia Association Open Space

Dear __________:

I’m following up on the letter we sent you on ___________ regarding the encroachment of a __________ from your property onto Columbia Association (CA) Open Space. In that letter, we asked that you remove the encroachment from CA’s Open Space by __________. Our re-inspection of the property reveals the continuing existence of the violation.

It is CA’s responsibility to protect and preserve the Open Space for the benefit of the entire community. It is essential that you remove the encroachment, and restore the Open Space to its original condition. To assist you, we have enclosed another copy of the land survey of your property and a list of Frequently Asked Questions.

If the encroachments are not removed by ___________________________ , we will have to turn this matter over to our legal department.

Thank you for helping us preserve Columbia Association’s Open Space.

Please call me if you have any questions at 410-381-3470, Monday through Friday between 7:30am and 4:00pm.

Sincerely,

Assistant Division Director
Open Space Maintenance & Services

Enclosures: Copy of Property Plat and FAQ’s
Frequently Asked Questions About Encroachments

Q: The person who owned the house before me put the structure where it is. Do I still need to move it?

A: Yes. The improvements belong to the current owner and if they are not contained within the boundaries of your property, you are responsible to remove the encroachment.

Q: Why wasn’t I told before I put the structure there? (Shouldn’t the RAC have notified me before I put it in?)

A: It is the property owner’s or his/her surveyor/contractor’s responsibility to be certain that the structure is built in the proper location. The RAC can approve materials and specifications but cannot and does not grant permission to build within CA’s open space. It is incumbent on the owner to survey the property, if necessary; to be sure the improvement is properly located.

Q: Why do I need to move it now?

A: It is CA’s responsibility to preserve and protect the Open Space for the benefit of the entire community. In order to accomplish that, we cannot permit encroachments on CA Open Space. We send a notification of encroachment as soon as we become aware of the matter.

Q: Can you provide any help in moving/removing the structure?

A: We can provide contact information for contractors and/or companies that may be able to help you. You may call Sean Harbaugh, Assistant Division Director, Open Space Maintenance & Facility Services, Monday through Friday 7:30am-4:00pm for further assistance. His phone number is (410)381-3470.
Subject: Third Notice of Encroachment

Dear __________:

We sent you letters on _________ and __________ regarding the encroachment of a ______________________ from your property onto Columbia Association (CA) Open Space. In our second letter, we asked that the encroachment be removed by __date___. Our inspections show the continuing existence of the violation.

Since the encroachment remains and we have not received any response from you, we will turn this matter over to our legal department unless you take steps to resolve this matter prior to [date].

We anticipate your cooperation in this matter. Please call me if you have any questions at 410-381-3470, Monday through Friday between 7:30am and 4:00pm.

Sincerely,

Assistant Division Director
Open Space Maintenance & Services
Subject: Encroachment on CA Open Space Lot # ___

Dear ____________:

During a recent inspection of Columbia Association (CA) Open Space, we observed that your ____________________ extends beyond the boundary of your property and encroaches on CA Open Space. CA’s surveyor has confirmed this encroachment. We have enclosed for your convenience a copy of the survey showing the existing encroachment.

We understand that identifying your property boundary lines can sometimes be difficult, so wanted to make sure you are aware of this encroachment and of the Rules and Regulations for CA Open Space, #16, which provides:

“No structures, either temporary or permanent, may be erected on Open Space, nor may any alteration of Open Space property take place without the written permission of the Columbia Association.”

Although CA is entitled to require you to remove the encroachment immediately, CA is willing, conditioned upon your signing of the attached agreement, to permit you to defer the removal of such encroachment until the earlier to occur of the following events: 1. [Your encroaching structure has fallen into a state of disrepair or become a possible safety hazard] [Your encroaching landscaping is no longer being maintained as seasonally appropriate], or 2. You sell or otherwise transfer your property to another owner. This does not constitute permission for you to expand or alter the encroachment in any way. Should that occur, CA will require immediate removal of the encroachment.

Please sign and return the attached agreement to me by [date].

If you have any questions, please feel free to call me at 410-381-3470, Monday through Friday between 7:30am and 4:00pm.

Sincerely,

Assistant Division Director
Open Space Maintenance & Services

Enclosures: Copy of Property Plat
Acknowledgement Agreement
ENCROACHMENT AGREEMENT

I acknowledge receipt of the letter dated __________ from the Columbia Association (CA) giving me Notice of an Encroachment extending from my property located at [address] on to CA Open Space. I understand that CA is permitting me to defer the removal of the encroachment until the earlier to occur of the following events: 1. [The encroaching structure falls into a state of disrepair or becomes a possible safety hazard] [I fail to maintain the encroaching landscaping as seasonally appropriate], or 2. I sell or otherwise transfer my property to another owner. I also understand that I am not permitted to expand or alter the encroachment and that if I do so, I will be required to remove the entire encroachment. I further understand that this agreement is not transferable in the event of the sale or transfer of my property and the encroachment will then need to be removed.

Signature: ________________________ Date: ____________
Property Owner

Signature: ________________________ Date: ____________
Assistant Division Director

Return To:
Columbia Association
9450 Gerwig Lane
Columbia, Maryland 21046
Attn: Division Services Coordinator
Subject: Planting Encroachment on CA Open Space Lot # ___

Dear ________________:

During a recent inspection of Columbia Association (CA) Open Space, we observed that your landscaping extends beyond the boundary of your property and encroaches on CA Open Space. CA’s surveyor has confirmed this encroachment. We have enclosed for your convenience a copy of the survey showing the existing encroachment.

We understand that identifying your property boundary lines can sometimes be difficult, so we wanted to make sure you are aware of this concern and of the Rules and Regulations for CA Open Space, #16, which provides:

“No structures, either temporary or permanent, may be erected on Open Space, nor may any alteration of Open Space property take place without the written permission of the Columbia Association.”

The encroaching landscaping materials were not planted, are not owned, and will not be maintained by CA. CA is entitled to require you to remove that landscaping immediately. However, if you wish to keep the encroaching landscaping in place, CA is willing to permit you to do so, conditioned upon your signing of the attached open space planting agreement. This does not constitute permission for you to expand or alter the encroachment in any way. Should that occur, CA will require immediate removal of the encroachment.

Please remove the encroachment or sign and return the enclosed Open Space Planting Agreement to CA by __________________________. If you have any questions, please feel free to call me at 410-381-3470, Monday through Friday between 7:30am and 4:00pm.

Sincerely,

Assistant Division Director
Open Space Maintenance & Services

Enclosures: Copy of Property Plat
Planting Agreement
OPEN SPACE PLANTING AGREEMENT

I/We am/are the owner(s) of the property located at [address], Lot #_____ and hereby acknowledge that I/we am/are responsible for the landscaping and plantings as shown on the attached survey. I/We further acknowledge that such landscaping encroaches on Columbia Association (CA) Open Space and that CA will permit that encroaching landscaping to remain on CA Open Space subject to the following conditions:

- I/We will maintain the landscaping as seasonally appropriate. If the plantings become hazardous, interfere with the public use of the Open Space, prevent access, become unsightly, or for any other reason need to be removed as determined solely by CA, it is my/our responsibility to remove the landscaping and plantings and restore the Open Space to its original condition.

- CA will not be responsible for any maintenance of the landscaping/plantings.

- The encroaching landscaping may not be expanded or altered in any way without CA’s specific written permission.

- CA assumes no liability for any activity associated with the encroaching landscaping or plantings or their maintenance and care.

- This agreement is not transferable. In the event that I/we sell or otherwise transfer our property, the encroaching landscaping shall be removed prior to such sale or transfer.

- CA may amend or terminate this agreement at any time at its sole discretion.

Signature: _____________________________ Date: ________________________
Property Owner(s)

Signature: _____________________________ Date: _________________________
(Assistant Division Director, CA)
Subject: Encroachment on CA Open Space Lot # ___

Dear ______________: 

Columbia Association understands that you requested a Letter of Compliance presumably for selling or transferring your property. Please recall the signed acknowledgement letter dated, _________[DATE]________ regarding your property. The letter of compliance can be issued from your Village with conditions to mitigate the outstanding encroachment according to the agreement.

If you have any questions, please feel free to call me at 410-381-3470, Monday through Friday between 7:30am and 4:00pm.

Sincerely,

Assistant Division Director
Open Space Maintenance & Services
July 13, 2018

Lot # 131

Subject: Encroachment on CA Open Space Lot # 131-A

Dear   :

I would like to take this opportunity to thank you for having the easement document for your driveway forwarded to us. Your cooperation with CA is greatly appreciated and this matter is resolved at this time.

Do not hesitate to call me if you have any questions. You may contact me at 410-381-3470, Monday through Friday between the hours of 8:00am and 4pm.

Sincerely,

Assistant Division Director
Open Space Maintenance and Services
July 13, 2018

10705 Green Mountain Circle
Columbia, MD  21044
Lot #105

Subject: Encroachment on CA Open Space Lot #63

Dear :  

Thank you for meeting on June 15, 2018. We appreciate your commitment to removing the fence from CA property. As we discussed, please have the encroachment removed by August 2019. Your cooperation with CA is greatly appreciated.

Please acknowledge the receipt of this letter and the terms we discussed by returning a copy of this letter for our files.

If you have any questions, feel free to call me at 410-381-3470, Monday through Friday between 7:30am to 4pm.

Sincerely,

Assistant Division Director
Open Space Maintenance & Services

___________________________________________                     ________________________________
Signature of Property Owner Date