

CAPISTRANO BAY DISTRICT
AGENDA REPORT
APRIL MEETING
August 26, 2025

New Business

ITEM 11a

Potential Prescriptive Rights Concern/District Vacant Lot

Within California law is a provision which allows, in certain circumstances and conditions, a person to perfect ownership of someone else's property through continued, unobstructed use of that person's property over an extended period of years.

The Board has directed staff to review this issue with the District's general counsel to explore how the District may be exposed to a taking by prescriptive right. It's hard to imagine how this could happen with the District's vacant lot, but with use of the lot by both the public and nearby short term renters, it warrants a legal review.

ITEM 11b

Replacement of Open Channel Storm Drain

Staff has been asked to look into the possibility of replacing the open channel storm drain next to the District's vacant lot with an underground drain pipe system.

The District actually explored this many years ago and fortunately the engineering plans are still in the District's archive files and will be reviewed. It's entirely possible that the engineering firm may still be in business here in OC.

What is unknown at this early stage is why the work was never done. The obvious guess is that the cost is prohibitive. We shall see.