

ENCROACHMENTS

Encroachments are any object above or below ground belonging to a private owner other than the municipality which has been or caused to be constructed or located within streets, public rights of way or other property dedicated to a public use.

Anchorage residents are not aware of the fact that in most cases their property line does not start at the street curb or road shoulder. They assume that where the curb or shoulder ends is where their property begins. This is not true on most of the streets in Anchorage. There exists a right of way that is wider than the driving surface of a road.

The additional right of way behind curbs is intended for utilities, sidewalks, fire hydrants, future widening of roads, and snow storage. With higher costs of snow hauling, plowback behind curbs has become mandatory. An object placed inside this additional right of way not only hinders snow removal operations, but also presents hazards to the operator and equipment. We have numerous injuries to operators every year resulting from a sudden stop after hitting a solid object behind a curb. Municipal employees have been injured seriously and placed on permanent disability. Many dollars are also spent repairing equipment after striking these objects. One 6-inch rock from a rock garden can put a \$200,000 snow blower in the shop for a week or more.

If any object resting behind a street curb or road shoulder is damaged by municipal street maintenance equipment, first check the following items to see if you have a valid claim.

- Check the total right of way width
- Check the road width

If road width is less than right of way width, in most probability your property line is a few feet in back of the street curb. The width of most constructed residential streets in Anchorage averages 26-32 feet; the right of way width averages 50-60 feet. This means that the property line may be at least 10 feet, more or less from the back of the street curb or shoulder of the road. Also, check your lot depth and know where your rear property line is. Measure that distance from your rear property line toward the street. A check of your as-built survey, usually provided during closing procedures, is a great help.

If your landscaping rocks, rock garden, fence, retaining wall, basketball stand, or shrubbery is next to or close to the curb or edge of the roadway, and the right of way extends 10 feet or so behind the curb, then you may be encroaching into a public right of way and in violation of municipal ordinances.

The Municipality of Anchorage will not repair objects damaged inside the right of way. Objects inside the right of way deemed a hazard to snow removal operations must be removed completely as provided by Anchorage Municipal Code Title 24.90.030. Additionally, property owners that have placed illegal encroachments into the right of way may be liable for all injuries to operators and damage to equipment and subject to legal action.

For information on the right of way width of your street or any questions regarding this information, please call 343-8240. Or contact us at the above e-mail address. **Instructions and check list on reverse.**

Instructions and Check List

To properly process your request for a ROW Encroachment Permit, we need certain information to evaluate your application. Please provide the following documentation or annotate the documents with the additional information:

1. One copy of the Application for Right of Way Permit with all the information filled out.
2. One copy of the most recent property as-built survey or plot plan.
3. Show location of the encroachment (fence, wall, building, shed, etc.) on the site plan or as-built survey.
4. Show the dimensions from the object to the property line and how far it projects into and along the right of way or easement. Also show the height above ground measuring from ground surface (grade) to bottom edge of structure.
5. Provide an accurate description of the encroachment on the Application for Right of Way Permit in the Project Details section. For example, enter "A 4.0' chain link fence encroaches 3.3' into and 20' along the Myrtle Street right of way."
6. **After notification that we are approving your request**, contact each utility company that services your area. Provide them a copy of your plans/as-built so they may prepare a letter of non-objection to your encroachment(s). You are required to obtain the letters from the utility companies even though you think they may not have facilities on your property. Each company evaluates their own past, present and future requirements for your area. **Do not obtain letters of non-objection until you receive notification from the Right of Way Division that your application for the Encroachment has been approved.**
7. Provide to the Right of Way Section one copy of each letter of non-objection from the utility companies below, that serve your property. Please submit letters as a group and not individually. The utility letters must be addressed to the current property owner and must fully address the encroachment(s) as described on your application.

CHECKLIST FOR UTILITY COMPANIES LETTERS OF NON-OBJECTION

Anchorage Water & Wastewater Utility

3000 Arctic Boulevard
Anchorage, AK 99507
Contact: Alex Prosak, Planning Dept.
Email: planning@awwu.biz
Phone: 907-786-5694

GCI

5151 Fairbanks Street
Anchorage, AK 99503
Contact: OSP Construction
Email: opco@gci.com
Phone: 907-868-5656

Matanuska Telecom Association

PO Box 3550
Palmer, AK 99645
Contact: Jessica Burnett, ROW
Email: row@mtasolutions.com
Phone 1-800-746-9510
Phone 907-761-2510

Chugach Electric Association, Inc.

5601 Electron Drive
Anchorage, AK 99518, or
PO Box 196300
Anchorage, AK 99519-6300
Contact: Mary Willis, Land Services
Department
Email:
Mary_Willis@chugachelectric.com
Phone: 907-762-4781

Alaska Communications Systems

600 Telephone Ave, MS 14
Anchorage, AK 99507
Contacts: Duilio Guerrero
Email: duilio.guerrero@acsalaska.com
Phone: 907-230-8268

Matanuska Electric Association, Inc.

P.O. Box 2929
Palmer, AK 99654
Contact: Sarah Brandt, ROW
Email: mearow@mea.coop
Phone: 907-761-9276
NOTE: No Letters issued for fence, moveable structures in any location or improvements that is located within a roadway

ENSTAR Natural

PO Box 190288
Anchorage, AK 99519
Contact: Andrew Fraiser, Right of Way
Email: ROW@enstarnaturalgas.com
Phone: 907- 334-7753