

July 5, 2019



## DAVE WINDSOR ANSWERS YOUR REAL ESTATE QUESTIONS

### Your Rights in a Right-of-Way

**Dear Dave:** I have enjoyed and learned a lot from reading your column over the years. Thanks for that! I do have a question I have not seen covered.

In a platted subdivision where the lot owners own up to the road Right-of-Way, is it permissible for a subdivision non-lot owner to clear brush (& maybe small trees) from the right-of-way when the brush has grown up significantly? Not only to improve sight along curves but enabling better odds of avoiding moose strikes, especially in the Valley where I live.

**Answer:** The Right-of-Way belongs to the City (or Borough) and, technically, you have no rights to mess with it. Whether it is in front of your property or in front of someone else's is not really relevant. Neither you, nor an owner adjacent to the right-of-way, have rights to it.

In Anchorage, an interested party may call Street Maintenance at 907-343-8277 if there is a traffic hazard problem and, depending on whether it is trees that need working on, or merely brush, you could be referred to the MOA Horticultural department at 907-343-4717.

The Anchorage Municipality extends to the Eklutna Bridge and, beyond that, you need to call the Right-of-Way coordinator for the Matsu Borough (Andy Dean) for clarification of Valley procedures. However, the

same legal framework exists.

While we cannot recommend it here, both the Borough and the Municipality will not be coming after you for minor clearing that enhances public safety, unless the adjacent property owner complains. Intersections are of particular concern to Local government and I have found them very responsive in fixing a traffic hazard by appropriate clearing, so that is the best way to go.

**Dear Dave:** If the City owns the Right-of-Way then shouldn't they be responsible for maintaining that portion of the land between my property and the road?

**Answer:** It is true that most roads are constructed within the right-of-way but not utilizing all of it. As much as 5 feet or so of your front yard probably does not belong to you. Your mail box, for example, is erected on the City's right-of-way. The reason that roads need additional space in Anchorage is for snow storage when they are plowing.

You certainly are not responsible for maintaining that strip of land. Your as-built survey will tell you where the exact line is because it shows the distance in feet from your home structure to the front property line. However, I have not seen MOA lawn mowing crews running around tidying up right-of-way lawns. So it appears to be an unwritten understanding that homeowners will perform that maintenance.

**Dear Dave:** One of our neighbors parks a truck in the Right-of-Way at the corner of our street. He thinks it is on his yard but we know it isn't and you can't see traffic coming when you want to exit our street onto a busy road. What to do please?

**Answer:** This is a Police Department issue. Call the non-emergency dispatch at 907-786-8500 and they will get the vehicle moved, one way or another.

Dave  
Windsor

