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## *Dave Windsor's 'Alaska Real Estate'*

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# What To Look For On An As-Built

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An As-Built survey is, essentially, a plot plan of the Lot showing the placement of structures, including fences, and other relevant details such as easements, that provide a full aerial picture of the real estate concerned.

While lenders do not always require an as-built survey in order to grant a loan, buyers should ALWAYS require it for review and approval before closing.

My standard practice with an offer is to require a 'current' survey, dated on or after the date of the Purchase and Sale Agreement. If the seller's licensee debates this request then, at minimum, the survey made available should be recent, fully legible, and warranted by the sellers to be accurate to the best of their knowledge.

### **So, what should you look for on the As-Built Survey?**

First, is the main structure (house) correctly set back from the property lines to meet Zoning requirements? If the 5 foot side setback is 4 feet 11 inches, this will have to be addressed before you close on your purchase.

It may be that the Municipality will grant a letter of non-conforming status. If they won't, and I have experienced this on a listing, the structure has to be

adjusted to meet the zoning code. If the seller cannot make this right or provide a letter of non-conforming status, you do not want to buy this house.

Second, and just as problematic, are encroachments. An encroachment is where part of the neighboring structure is on the real estate lot that you are buying. This is even more serious and is only acceptable if you are willing to grant the neighbor an easement in perpetuity for that encroachment. Why would you want to do that?

Besides the neighbor's main structure, other things, such as driveway or sheds may also encroach. It is also possible that the property you want to buy is the guilty party and encroaches on a neighbor. Maybe a fence or outbuilding is not inside the property line of the real estate you propose to acquire. These lesser encroachments also need resolution.

Third, there are normally easements, from utilities to drainage. Almost all properties in Anchorage have at least one easement. These are not a big deal, except that they cannot have a structure (e.g. a shed) built on them if it has a permanent foundation. Some utilities may even have an aerial easement, for

an overhead powerline for example, so the roof eaves of the house cannot intrude on that airspace.

I think I have seen almost all variations of easement, encroachment and zoning violations and that is why you should never close without an accurate survey that you can discuss with your licensee. In most cases we resolve issues, but not always.

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