

## **RIGHT OF WAY ENCROACHMENT POLICY FOR CONSTRUCTION IMPROVEMENT PROJECTS**

The intent of this policy is to define guidelines and parameters under which the Department will operate in dealing with right of way encroachments by adjoining property owners for a construction improvement of a County State Aid Highway or County Road. The Department will endeavor to treat each situation fairly, equally, and apply the policy as consistently as possible.

Trees, shrubs, hedges, and other landscaping items, whether planted or naturally grown on the highway/road right of way, shall be removed without compensation or damages if said trees, shrubs, hedges, and other landscaping interfere with the safety and convenience of the traveling public or if they lie within the recovery area, as defined by State Aid Standards of the Minnesota Rules Chapter 8820, or if they interfere with the construction, reconstruction or maintenance of said highway or road in accordance with M.S.A. § 160.22, Subd. 4. The Department may notify the adjoining property owner to allow the transplanting or removal of said tree, shrub or hedge as deemed appropriate by the County Engineer, based on the relative value of the encroachment.

Buildings that are encroaching on the right of way shall be dealt with on an individual basis. Where a building is situated and is interfering with the safety and convenience of the traveling public or if it lies within the recovery area, as defined by State Aid Standards of the Minnesota Rules Chapter 8820, or if the building interferes with the construction, reconstruction or maintenance of a highway or road, then the building shall be removed from right of way at the owners expense without compensation or damages awarded to the owner upon 30 day written notice.

If the encroachment meets the above criteria and the owner wishes to have the building remain, the owner may apply for a Renewable Encroachment Permit. Encroachment Permits will be analyzed on an individual merit basis. If the building is used as a garage and the existing entrance causes the motorist to back into traffic blindly, or in an unsafe manner, the building may be able to remain with an Encroachment Permit, but may not be able to be used as originally intended unless the entrance location is altered to provide a safe ingress and egress to the traffic lane.

Whenever the encroachment meets the criteria for safety, recovery areas and out of the construction zone, as determined by the County Engineer, every effort will be made to accommodate the encroachment when it is reasonable and justifiable to allow the encroachment to remain with the proper submission of a permit application.

Utility encroachments shall be addressed in the manner described in Becker County's Policy for the Accommodation of Utilities on County Roads and Highway and other related policies.

This policy shall be in effect by resolution and adoption by the Becker County Board of Commissioners and may be amended from time to time also by resolution of the County Board.

Approved and adopted by County Board Resolution No. 07-92-38, dated July 14, 1992.



**BECKER COUNTY HIGHWAY DEPARTMENT  
R/W ENCROACHMENT PERMIT APPLICATION**

I, We, the undersigned, herewith make application for permission to encroach on highway right-of-way at the above location, in conformance with the regulations of the Becker County Highway Department and to any special provisions included in the Permit. It is agreed that all work will be done to the satisfaction of the Becker County Highway Department. It is further agreed that no work in connection with this application will be started until the application is approved and the permit issued. It is expressly understood that this permit is conditioned upon replacement or restoration of the county highway and its Right-of-Way to its original or to a satisfactory condition. The applicant in carrying on any and all of the work referred to in this application and in the Permit issued, shall strictly conform to the terms of such Permit, and the regulations of the Board of Becker County Commissioners, as set forth herein together with the Special Provisions, all of which are made a part hereof. The applicant shall also comply with the regulations of all other governmental agencies for the protection of the public. The work shall be accomplished in a manner that will not be detrimental to the highway and that will safeguard the public.

If at anytime the County Engineer shall deem it necessary to make any improvements or changes to the right-of-way or the encroachment is deemed to be a hazard or obstruction, then and in such event, the owner of the encroachment shall within 15 days after written notice from the County Engineer, or his authorized agent, proceed to alter, change, vacate or remove said encroachment from the county highway right-of-way without any cost whatsoever to Becker County and shall be completed by the date specified in said written notice.

Becker County Highway Department will not be liable for damage to any structure due to necessary maintenance or construction work done within the R/W. Any approved fill placed in the R/W shall be constructed non-erodable soils.

Special Provisions:

Initial \_\_\_\_\_

Date \_\_\_\_\_

I, we, have read and understand the conditions set forth on this permit and hereby agree to be bound by these provisions.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

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Permit approved; this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
Becker County Engineer