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Know your rights of way

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Construction has drawn to a close for the year, but will likely pick up fervently in early 2016. Much of it will take place within existing rights of way and easements, but some may extend to private property. In many cases, even when on existing rights of way or easements, these have not yet been fully cleared or used to their fullest extent. When that clearing eventually occurs, the change can be dramatic. Prepare by becoming informed on how these changes may impact you.

Find your property corners. It is a common misconception that the tree line between you and the road to your property is always your property line. Review your title insurance policy where a plot plan may be attached. You can learn a great deal about your property by visiting the Fairbanks North Star Borough Geographic Information System at gis.co.fairbanks.ak.us, gis.co.fairbanks.ak.us as well as FNSB’s property database website at www.co.fairbanks.ak.us/Assessing/propsearch.aspx. If you are in a Borough approved subdivision, find the plat for your subdivision on the state recorder’s office website, dnr.alaska.gov/ssd/recoff/searchRO.cfm. Pay special attention to the easements shown and plat notes. Identify the width of your road right of way, but be aware that your road centerline, as constructed, may not be precisely in the middle of that right of way. You should also check to see if there are any covenants covering your property. These are but a few of the many ways to research your property.

If there is a public utility easement, any utility — such as electric, cable, telephone and gas — can use it. If it is an easement granted to a specific utility, for instance GVEA, only that specific company may use it, and other utility companies would need to acquire their own easement from you. Utilities can generally use State and Borough road service area roads under permit. Utilities may also generally use section line easements affecting lands originally acquired from the State of Alaska.

When someone wants to acquire rights to use your property, you have the right to be treated ethically, fairly and with professionalism and respect. Members of the International Right of Way Association (IRWA) are committed to those values and the “Golden Rule.” For more information about IRWA, contact us at info@irwaonline.org. Local Chapter 71 leadership is listed at www.irwa71.org/IR_WAAbout_the_Chapter.html and we are happy to assist you.

Sandra Wagner is president of Arctic Trails Chapter 71 of the International Right of Way Association.

Additionally, we would like to emphasize that you will retain all surface rights to your property within the easement that do not unreasonably interfere with the operation and maintenance of the buried water line. Those include but are not limited to: gardening or

grazing, parking, and storage of moveable items. About the only activities which would be limited or "prohibited" within the easement would be excavation and construction of permanent improvements. You also retain the right to grant to others (e.g., cable and telephone or gas companies) easements or rights of way within the easement.

An easement holder such as a utility generally has an obligation to restore the property to its "before" condition after construction. The easement holder also has an obligation to maintain the easement for its uses, and to conduct its activities within the easement in a manner that does not negatively affect adjoining lands.