



## RIGHT-OF-WAY ENCROACHMENT APPLICATION

WMC 13.05.010 - 13.05.070

APPLICATION FEE: \$100.00 NON-REFUNDABLE - MUST BE PAID AT TIME OF FILING

OFFICIAL USE ONLY	RECEIVED BY	DATE RECEIVED	PAYMENT	CHECK <input type="checkbox"/>
			CREDIT CARD <input type="checkbox"/>	CASH <input type="checkbox"/>

Wrangell Municipal Code Chapter 13.05 "Encroachments in the Borough Right-of-Way" represents the City & Borough of Wrangell's position with regard to proposed encroachments and the private use of public right-of-way within the corporate limits of the City & Borough of Wrangell, Alaska. In the context of this application, "public right-of-way" refers to all public sidewalks; street and alley right-of-way; and parks, open space, and other properties or lots owned or controlled by the City & Borough of Wrangell.

This Encroachment Permit Application solely covers encroaching on the public right-of-way as defined above and by no means exempts applicant from obtaining other permits or licenses as may be required by the City & Borough of Wrangell or other agencies. Advertising signs are not allowed in the right-of-way.

### SECTION I.

APPLICANT'S FULL NAME

EMAIL ADDRESS

PHONE NUMBER

APPLICANT'S PHYSICAL ADDRESS

APPLICANT'S MAILING ADDRESS

LEGAL OWNER'S FULL NAME (IF DIFFERENT THAN APPLICANT)

PHONE NUMBER

LAND OWNER'S MAILING ADDRESS

### SECTION II.

IDENTIFYING DESCRIPTION OF RIGHT-OF-WAY BEING ENCROACHED UPON

PHYSICAL ADDRESS OF ADJOINING PROPERTY TO ENCROACHMENT AREA

PARCEL ID NUMBER

LOT:	BLOCK:	SUBDIVISION:
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**SECTION II. CONTINUED**

**PROPOSED USE OF THE RIGHT-OF-WAY. (Attach site plan showing location of improvements and photographs)**

ARE THERE ANY PERMANENT STRUCTURES LOCATED IN THE RIGHT-OF-WAY? ..... YES  NO

IF YES, PLEASE DESCRIBE.

**PARCEL ID NUMBER**

<b>LOT:</b>	<b>BLOCK:</b>	<b>SUBDIVISION:</b>	<b>PARCEL ID NUMBER</b>
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ARE THERE ANY WATER OR SEWER FACILITIES? ..... YES  NO

SIZE OF PROPOSED PERMIT AREA (SQUARE FEET) .....

HOW MANY FEET FROM THE EDGE OF THE PAVEMENT WILL THE PROPOSED IMPROVEMENT BE LOCATED?

TYPE OF PERMIT REQUESTED ..... TEMPORARY  PERMANENT

IS THIS NEW? ..... YES  NO

IF TEMPORARY, WHEN WILL THE ENCROACHMENT BE REMOVED? .....

DATE:

IF EXISTING, WHEN WAS THE ENCROACHMENT CONSTRUCTED? .....

DATE:

**SECTION III.**

This permit is subject to the provisions of Wrangell Municipal Code, Chapter 13.05, and the following general and special conditions:

1. **Indemnification:** Per 13.05.050, Permittee shall indemnify, defend and hold harmless the City and Borough, and its officers, employees, and contractors, from any claim resulting from injury, loss, or damage to any person or personal property resulting from Permittee's use of the permitted area.
2. **Waiver of Claims:** Permittee waives any claim or right of action Permittee may have against the City and Borough in the event of damage to property, and injury to or death of any person in the permitted area that arises because of the design, construction, maintenance, management, or operation of a highway in the right of way containing the permitted area.
3. **Reimbursement of Costs:** Permittee shall reimburse the Borough for all costs and expenses incurred by the Borough, including attorney's fees, in any action brought by the Borough to recover any delinquent fees, or for the breach of any terms or conditions contained in this Permit, or to recover possession of the permitted area. All costs incident to encroachment shall be borne by the Applicant/Owner, including but not limited to utilities realignment or installation, transportation improvements, street sign replacement, or other public use of the right of way.

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**SECTION III. (CONT)**

4. **Non-discrimination:** No person, on the basis of race, religion, color, national origin, age, or sex, shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in that person's use of the permitted area.
5. **Assignment:** Permittee may not assign or transfer this permit. If the permitted encroachment changes ownership, the new owner needs to submit a new application, attach a copy of the existing permit, and provide proof of ownership of adjoining property.
6. **Revocation:** This Permit is not a property right but a temporary authorization, revocable by the City and Borough. Please see W.M.C. 13.05.020.
7. **Loss of Business:** The City and Borough is not responsible for loss of business related to the issuance or revocation of this permit.
8. **Cancellation by Permittee:** Permittee may cancel this Permit by providing written notice to the City and Borough at the above address. Permittee is not entitled to a refund of any fees or expenses related to the revocation or cancellation of this Permit.
9. **Abandonment by Permittee:** Upon abandonment by Permittee of the permitted area, Permittee's rights under this Permit will immediately terminate, but Permittee's obligations will survive until fulfilled.
10. **Public Notice:** Public notice may be required if the City and Borough of Wrangell determines it to be in the best interest of the city and borough.

**SECTION IV.**

**PROPERTY OWNER ACKNOWLEDGEMENT**

*I have read the instructions and certify that all the above information and all attachments I have provided are true and correct to the best of knowledge. I affirm that I am the true and legal property owner or the authorized agent thereof. I understand that the City & Borough of Wrangell assumes no responsibility or liability for items encroaching into City & Borough Right-of-Way. I agree and understand that an encroachment permit can be denied. I agree and understand that a permit may be revoked based upon a written determination by the City and Borough of Wrangell that municipal code requirements have been violated.*

*I understand that incomplete applications will not be accepted and that all fees must be paid prior to review of this application.*

**SIGNATURE OF APPLICANT**

**DATE**

**SIGNATURE OF OWNER (IF DIFFERENT THAN APPLICANT)**

**DATE**

**PLEASE ENSURE THAT SITE PLAN AND RELEVANT PHOTOS OF THE PROPOSED ENCROACHMENT AREA, SHOWING LINEAR, HEIGHT, AND AREA OF THE ENCROACHMENT ARE ATTACHED. FAILURE TO DO SO MAY RESULT IN DELAYS IN PROCESSING YOUR APPLICATION.**