



**City of Mercer Island**

9611 SE 36<sup>th</sup> Street • Mercer Island, WA 98040-3732

PHONE (206) 275-7605 • FAX (206) 275-7726

[www.mercergov.org](http://www.mercergov.org)

## Important Notes for the Right-of-Way Encroachment Agreement Application:

1. This is an application for consideration only.  
The application may not be approved after reviewing.
2. Please carefully read the Encroachment Agreement Procedure, complete all the required items, and submit a site plan as required. If the application is not completed or if the site plan does not meet the minimum requirements, this application will not be reviewed and processed by the City of Mercer Island. The application will be returned to the applicant.



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# ENCROACHMENT AGREEMENT APPLICATION

A P P L I C A N T	<b>SITE ADDRESS:</b>		<b>ENCROACHMENT TYPE: (PLEASE CHECK BOX)</b>  <input type="checkbox"/> RIGHT-OF-WAY <input type="checkbox"/> PUBLIC EASEMENT	
	<b>PARCEL ID NO.:</b>			
	<b>LIST ALL OWNERS: (DESCRIBE WHETHER SINGLE, HUSBAND AND WIFE, CORP., CO., LLC, ETC.)</b>		<b>MAILING ADDRESS:</b>	<b>PHONE:</b>  <b>FAX:</b>
	<b>FULL LEGAL DESCRIPTION: (ATTACH ADDITIONAL SHEETS AS NECESSARY OR COPY OF TITLE REPORT)</b>			
	<b>ENCROACHMENT DESCRIPTION: (ATTACH PLAN ALSO. REFER TO ITEM 1 BELOW FOR DRAWING REQUIREMENTS)</b>			

### Review Criteria

The following review criteria are used by the City to determine the acceptability of proposed encroachments in public right-of-way and are based on Mercer Island City Code Section 19.06.060 (see below) and other applicable regulations. Consider:

- Impact on operations and maintenance of existing and future public/franchise utilities.
- Extent the improvements may interfere with existing or future street improvements.
- Impact to sight distance of vehicles and pedestrians.
- Impact to existing roadside shoulder parking.
- Impact to public health and safety.
- How far the improvements will extend into the right-of-way.
- How permanent the improvements will be.
- The extent the improvements give the general public the impression that it is excluded from using the right-of-way.
- The extent the improvements may interfere with future private development.
- Concrete pavement, paver blocks, walls/fences, boulders, and large trees are generally not allowed.
- The throat of residential driveways cannot exceed 20 feet in width.

### Review Procedure

1. The applicant reviews the right-of-way encroachment review criteria and submits the application for consideration to the Senior Development Engineer including a drawing depicting the proposed encroachments. The drawing should include house address, north arrow, street(s) abutting the property, and a detailed description of proposed encroachments. The drawing must be prepared on 8 ½" x 11" or 8 ½" x 14" paper with a minimum 1" clear margin on all sides.
2. If and when the application is approved by the Senior Development Engineer, the applicant shall sign and notarize an Encroachment Agreement prepared by the City and return it for City Manager and City Attorney approvals.
3. The Senior Development Engineer will return the approved agreement to the applicant for recording with King County or the applicant can pay the City to record the agreement.
4. The applicant shall then return a recorded copy of the agreement to the City and pay the required \$361 agreement fee.
5. Applicant may proceed with approved encroachments upon obtaining a Right of Way Use Permit for doing the work in the right-of-way.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be met whether specified herein or not. The approval of an agreement does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Owner/Authorized Agent

**Mercer Island City Code 19.06.060 *Encroachment into public right-of-way.***

- A. An encroachment is any intrusion, irrespective of height or size, into a sidewalk, street, or other public right-of-way and includes, but is not limited to, fill material, retaining walls, rockeries, plants either deliberately planted or growing from adjacent property, or any other material or structures.
- B. An encroachment into a public right-of-way is not allowed without an encroachment agreement.
- C. A land owner seeking an encroachment agreement shall submit an application to the city engineer along with the applicable fee, and shall show the special topographical conditions which warrant an encroachment into the public right-of-way and show that there will be no interference with public use and enjoyment or access from such encroachment.
- D. An encroachment agreement shall:
  - 1. Specify the type and location of materials, plants, or structures allowed in the right-of-way;
  - 2. Specify the rights and responsibilities of the city and the adjacent land owner for maintenance and eventual removal of the encroachment.
  - 3. Make provisions for reasonable public access, including view, to the right-of-way and to any adjacent public property;
  - 4. Make provisions for future access to the right-of-way for utilities, drainage, vehicles, and pedestrians;
  - 5. Protect the public health and safety; and
  - 6. Contain any other criteria deemed necessary by the city engineer.
- E. An encroachment agreement does not constitute a surrender by the city of any property rights to the right-of-way.
- F. An encroachment agreement runs with the land adjacent to and benefited from the encroachment and is not valid until recorded with the King County assessor's office.
- G. Before a land owner may begin construction of the encroachments allowed under an encroachment agreement, that person shall obtain a right-of-way permit (formerly a street use permit) after submitting an application to the city engineer along with the applicable fee. (Ord. 99C-13 § 1).



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## **Site Plan Requirements**

### **For Right of Way Encroachment Agreement Application**

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The site plan shall meet the following minimum requirements:

1. All the contents shown on the drawing shall be clearly readable and have good copy quality for digital imaging. The font size for all text shown on the drawing must be at least 8 point (0.125" in height).
2. The drawing shall include the following:
  - Site address
  - North Arrow
  - Property limits
  - Building outline
  - Driveway outline
  - Street names abutting the property
  - Edges of the existing public street(s) abutting the property
  - Existing public utilities under the encroaching area in the public right of way
  - Locations and detailed designs of the proposed encroachments
  - A detailed description of the proposed encroachment
3. The drawing must be prepared on 8-1/2" by 11" or 8-1/2" by 14" paper with a minimum 1" clear margin on all sides.

An example of the site plan is attached for reference. If the site plan does not meet the above four requirements, the Encroachment Agreement Application will not be processed by the City of Mercer Island and King County Recorder's Office. The application will be returned to the property owner.

