




<b>Title</b> Property Encroachments	<b>Number</b> FIN-840	<b>Rev. no.</b> 0
<b>Responsibility</b> Real Property Services Division	<b>Supersedes</b> NA	<b>Pages</b> 2
<b>General Manager/CEO signature</b>  <small>Andrew Lee (May 13, 2023 12:58 PDT)</small>	<b>Approval date</b> May 13, 2023	<b>Effective date</b> May 24, 2023

## A. PURPOSE

Private use of Seattle Public Utilities (SPU) property is not allowed for any reason without written permission by SPU. The purpose of this Director's Rule is to describe SPU's response to property encroachments on any SPU real property and outline the course for resolution through permitting or removal.

SPU commits to equitably addressing any encroachments on its property to minimize risk and allow for acceptable uses. The Encroachment Program will enable SPU to serve as responsible stewards of public land in accordance with legal rights and in alignment with SPU's Strategic Business Plan.

## B. DEFINITIONS

*Encroachment.* Any unauthorized use of SPU property rights or land, including, but not limited to the creation or extension of physical structure or landscape.

*Incidental Use.* A temporary and revocable utilization of SPU property by other City departments, government agencies, businesses, or the public that are for non-utility purposes.

*Permit.* An official written statement allowing or granting permission.

*Real property.* Land, buildings, and the structures permanently affixed to the land under the jurisdiction of Seattle Public Utilities. Also referred to as "property."

*Removal.* To uninstall, disassemble, or otherwise remove a structure from SPU property. This may include reconstruction or reinstallation within the bounds of private property lines and adhering to relevant code for setbacks as outlined by local jurisdiction.

## C. RULE

1. Private, exclusive use of Seattle Public Utilities (SPU) property is not allowed for any reason without written permission by SPU. Property encroachments may be resolved through permitting or removal, as determined by SPU. SPU must receive compensation for use of SPU property that requires a revocable permit, as per Director's Rule FIN-220.4, Real Property Charges.

2. The Encroachment Program is managed by SPU Real Property Services, in coordination with Lines of Business. Real Property Services takes lead responsibility for managing and responding to property encroachments.
3. On a regular basis, SPU monitors property boundaries and documents any encroachments that are found. SPU will notify adjacent property owners in writing with details of the identified encroachment including outlining the course for resolution.
4. SPU Line(s) of Business (LOB) leadership will determine operational, safety, security, or liability issues related to encroachments. LOB Division Directors, or their designee, will serve as the authority for initiating and prioritizing action on any encroachment which needs to be removed or may be authorized by a permit.
5. If SPU determines a revocable use permit is an acceptable resolution for an encroachment, the property owner must apply for and secure a permit in accordance with Director's Rule FFM-510.1, Incidental Use of Real Property, and assume responsibility for ongoing permit compliance.
6. If SPU determines an encroachment needs to be removed, the property owner is responsible for removing the encroachment in a timely manner and in coordination with SPU Real Property Services. SPU will pursue a mutually agreeable timeframe for resolution whenever possible. If a time or deadline for resolution cannot be agreed on between SPU and the encroaching property owner, SPU will set a reasonable deadline. If the deadline is not met, SPU will file a lawsuit for ejectment to have the encroachment removed.
7. If a property owner requires assistance in removing an encroachment due to physical disability, financial hardship, or other circumstances, they should work directly with SPU Real Property Services.

#### **D. AUTHORITY/REFERENCES**

- Washington State Constitution, Article 8, sections 5 and 7
- SPU Director's Rule FFM-510.1, Incidental Use of Real Property
- SPU Director's Rule FIN-220.4, Real Property Charges
- SPU Strategic Business Plan