

Town of Mukwa

E8514 Weyauwega Rd, New London, 54961

Phone/Fax: 920 982-9890

www.mukwa.us

Road Right-of-Way Information:

Our Town gets questions from time to time about the things a landowner can do next to a road. We will try to answer several of them for you.

Q: I own to the center of the road and can do what I want on my property up to the pavement, right?

A: Actually, no. The road right-of-way is a 66' wide strip of land that the road sits on, and the road is not necessarily centered in the right of way. This area is legally controlled by the town for purposes of providing adequate drainage, a place for utilities, and any road repairs.

Q: But I can fill in my ditch to make it smoother to mow right?

A: No. The purpose of the ditch is to provide proper drainage for the road bed. That includes the sub grade part of the road. When roads are properly drained, they last many times longer than poorly drained roads. Filling in a ditch is a problem you will need to correct. Damage to the road through filling the ditch may create liability to the owner.

Q: Are some properties deeded to the center of the road and not others?

A: Yes. It was common and customary until the 1970's in this area to make ownership end in the road right-of-way. During and after the 70's when new subdivisions were established, a newer method became common deeding ownership of the entire 66 foot road right of way to the town. Sunshine Terrace, Elk Hills, and others are like this.

Q: What about my tree that is in the road right-of-way?

A: The tree is yours, but we can cut it down or trim it to suit travel needs, drainage limitations, of risks of having it land in the road, or hazards to vehicle hits during a loss of control.

Q: But I can still plant some trees or bushes in the right-of-way, right?

A: No, that property is the towns to manage. It would be the same as planting it on the next door neighbors' property.

Q: So how far back should I plant trees or bushes?

A: The best is to keep them back far enough that they won't encroach on the right-of-way or power lines through future growth. For example, a pine or oak is little when you plant it but the canopy will branch out substantially from there as it grows. We recommend a minimum of 15 feet back from your property line in that case, and more may be better for the tree. Bushes can be closer. This is also true for other property lines, it's legal to plant it on the edge, but then it's also legal for the neighbor to remove any portion encroaching on their property. Best to keep it well onto your property.

Q: Is the Town going to fix the divots left in my lawn from snow plowing?

A: Since the right-of-way is at 66' wide and the roads average 20 feet. The plow would have to have wandered quite far from its normal path to be on the property you control. You are welcome to repair divots in the right-of-way if you like. We recommend NOT piling up extra dirt or stone on the edge of the road as that assures it will be shaved off and deposited in the ditch next time creating more work for you. Better to use it up in a low spot that is not part of the ditch.

Q: There is no longer much ditch in my area, what now?

A: When a ditch is no longer draining adequately we will hire the ditch work done. No land owner permission is required as we are only working in the area controlled by the Town. The Town will often give notice of intent to work, just to be polite.