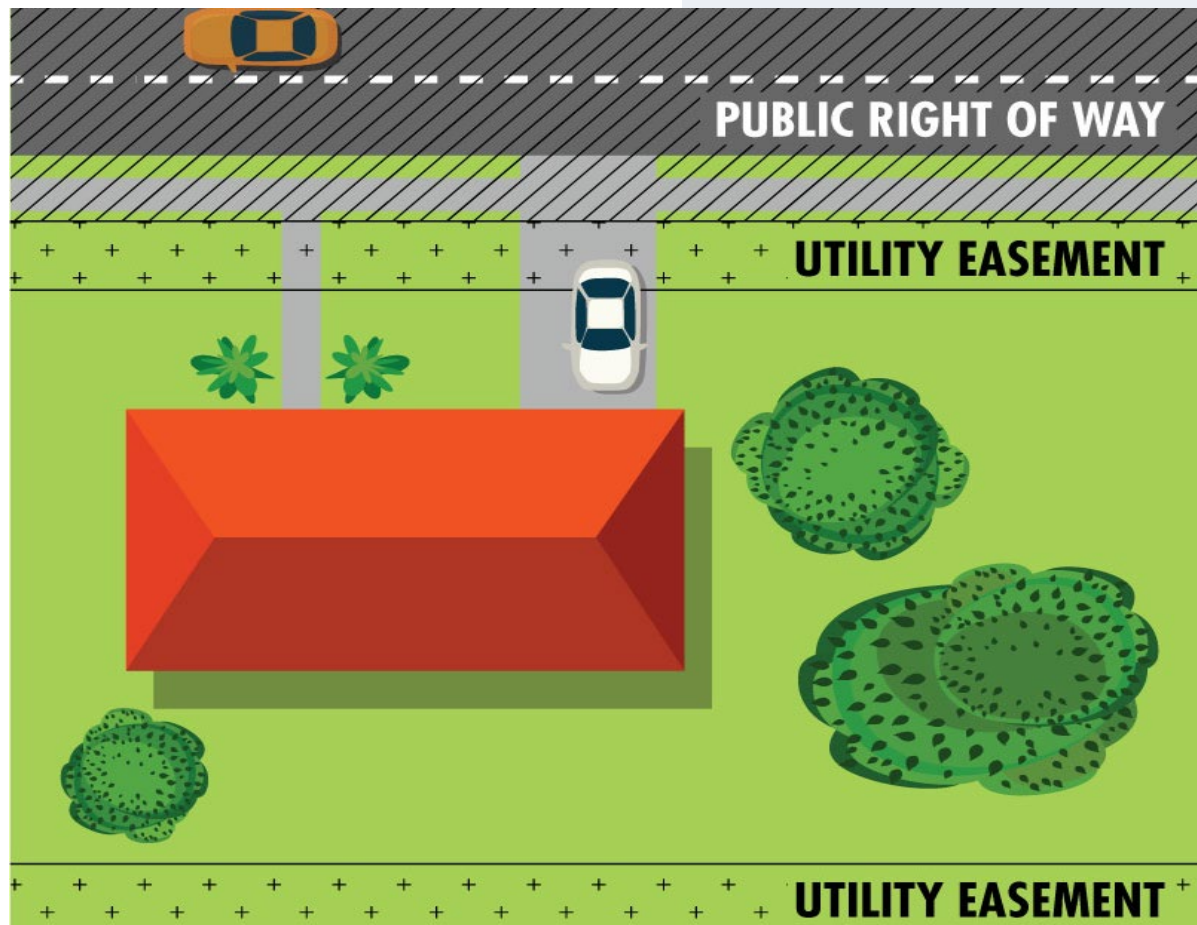


# property rights.

understanding right-of-way, public utility easements, etc.



## utilities on your property.

Availability of public utilities is often a comfort taken for granted. Whether aerial on utility poles or buried underground, water, sewer, gas, electric and communications infrastructure support our daily activities.

As a property owner, it is important to understand how utilities serve your property and the surrounding community. It is also important to understand their right to occupy specific utility corridors with infrastructure.

Utility providers have three general utility corridors to occupy:

- Public Right-of-Way (ROW)
- Public Utility Easement (PUE)
- Private Easement

### utility corridor overview.

#### PUBLIC RIGHT-OF-WAY

Publicly dedicated for roadway, utilities, landscaping, drainage, etc.

#### PUBLIC UTILITY EASEMENT

Non-exclusive easement for utilities to construct, operate, and maintain infrastructure. Access to perform these functions is implied

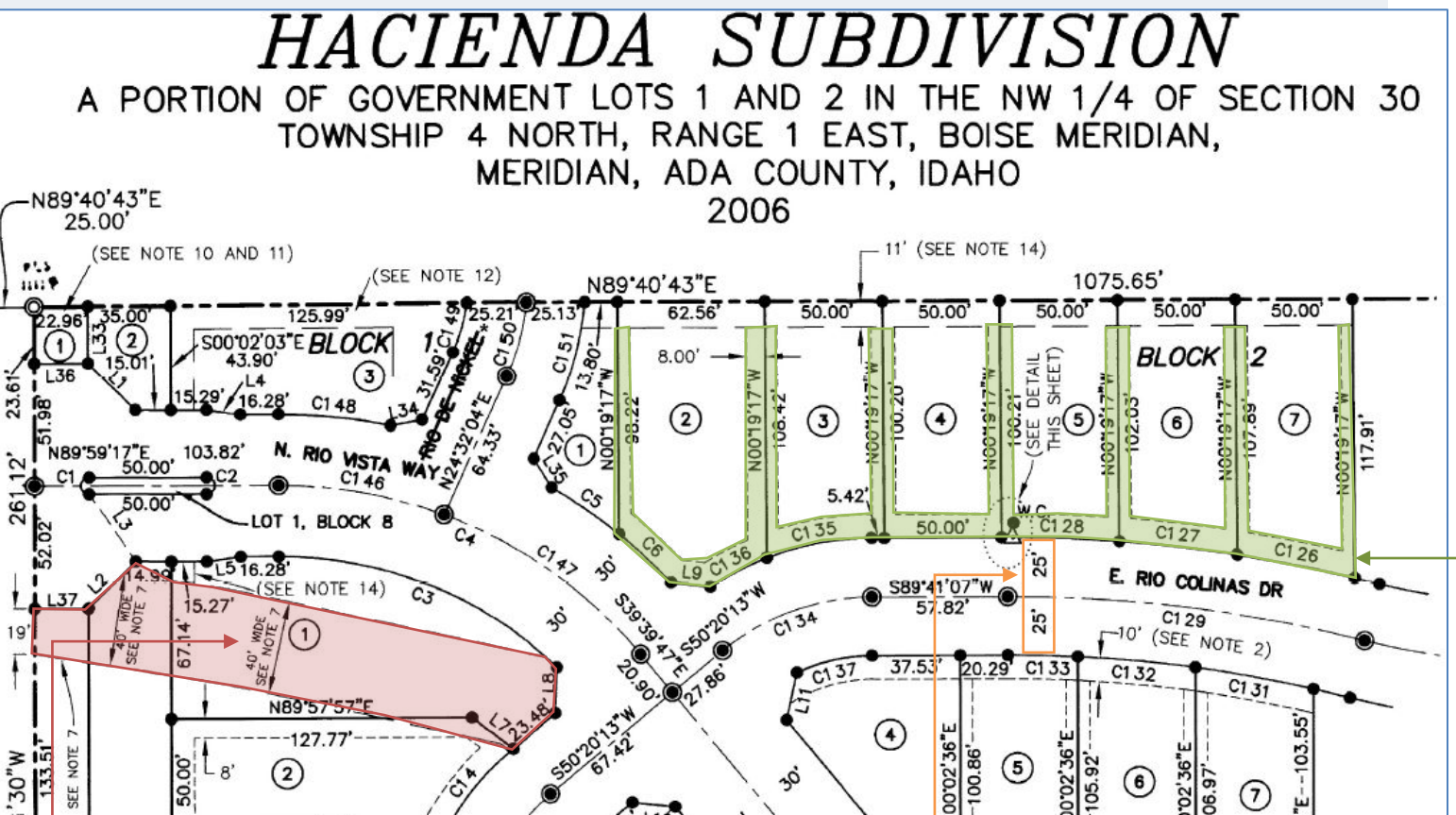
#### PRIVATE EASEMENT

Easement for specific utility usage  
- often defined in stand-alone agreement between utility and property owner.

# utility corridor formation.

The most common way to form PUE, ROW, and other easements in a neighborhood is through formal subdivision. Formal subdivision plats are filed with the local government; contained in that plat are noted dedications and representations of ROW, PUE, Private easements, and other specifics of the subdivision. Note that every subdivision is different. Careful review of the plat associated with your property is required to determine where PUE, ROW, etc. are dedicated.

An example of a plat segment and associated notes are shown below:



ROW Dedication – see 25' on each side of the road centerline on E Rio Colinas

IT IS THE INTENTION OF THE UNDERSIGNED TO HEREBY INCLUDE THE ABOVE DESCRIBED PROPERTY IN THIS PLAT AND TO DEDICATE TO THE PUBLIC, THE PUBLIC STREETS AS SHOWN ON THIS PLAT. THE EASEMENTS AS SHOWN ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC. HOWEVER, THE RIGHT TO USE SAID EASEMENTS IS HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES AND SUCH OTHER USES AS DESIGNATED WITHIN THIS PLAT, AND NO PERMANENT STRUCTURES ARE TO BE ERRECTED WITHIN THE LINES OF SAID EASEMENTS. ALL LOTS IN THIS PLAT WILL BE ELIGIBLE TO RECEIVE WATER SERVICE FROM AN EXISTING CITY OF MERIDIAN MAIN LINE LOCATED ADJACENT TO THE SUBJECT SUBDIVISION, AND CITY OF MERIDIAN HAS AGREED IN WRITING TO SERVE ALL THE LOTS IN THIS SUBDIVISION.

PUE Note – see dotted lines above - dimensions are shown if different than 10' standard per note below

- 1) A TEN (10) FOOT WIDE PERMANENT PUBLIC UTILITIES, PROPERTY DRAINAGE, AND IRRIGATION EASEMENT IS HEREBY DESIGNATED ALONG ALL LOT LINES COMMON TO A PUBLIC RIGHT-OF-WAY, ALONG SUBDIVISION BOUNDARY LINES, AND ALONG ALL REAR LOT LINES. A FIVE (5) FOOT WIDE IRRIGATION, PUBLIC UTILITY AND PROPERTY DRAINAGE EASEMENT IS HEREBY DESIGNATED ALONG EACH SIDE OF INTERIOR LOT LINES, WHERE SHOWN. LOTS 2, 3, 4, 5, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 21, 22, 23, 24, 26, 27, 28, 29, AND 30, BLOCK 6, AND LOTS 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, AND 16, BLOCK 6; SHALL HAVE NO SIDE YARD EASEMENT ALONG THEIR COMMON LOT LINES, AS SHOWN.

Private Easement Dedication - 40' wide path in Lot 1 at the corner of Rio Colinas and Rio Vista intersection, referring to note 7

- 7) PORTIONS OF LOTS 1, 2, 12 AND 13, BLOCK 3, LOTS 1, 12, 13 AND 14, BLOCK 4, ALL OF LOT 20, BLOCK 5, AND ALL OF LOT 20, BLOCK 6 ARE AFFECTED BY A FORTY (40) FOOT WIDE NORTH SLOUGH USERS ASSOCIATION EASEMENT FOR OPERATION AND MAINTAINANCE OF THE NORTH SLOUGH.



# Jurisdiction and permission.

From the Federal Highway Administration to local municipal government, jurisdiction and usage of right of ways, easements, and other utility corridors is a complex regulatory environment that all utility companies must navigate. Below are general guidelines for each utility corridor:

## *Right of Way -*

The right to use and occupy the public ROW to provide utility and other similar services is typically governed by state law, and may require specific agreements with county or municipal authorities. Agencies like the State Department of Transportation (DOT), County Highway Department, and Municipal Streets Dept dictate specific construction, traffic control, and restoration requirements for utilities to access public ROW. Due to these agencies' administration of roadways and public utilities like water and sewer in ROW corridors, utilities and other similar service providers are often required to obtain permits to construct or work in the ROW.

## *Public Utility Easement -*

Jurisdiction in PUE varies from community to community. Though local Gov't often require subdivisions to contain PUE corridors through official codes and ordinance, they typically do not hold jurisdiction to permit usage of said PUE. PUE is a non-exclusive easement dedicated for use by public utilities and compatible service providers expressly for construction and distribution of their networks in that specific subdivision. It is often up to utility and similar service providers to manage these corridors.

## *Private Easement -*

Jurisdiction over a private utility easement is typically described in a stand-alone agreement between the utility and the grantor of the easement (property owner). Utility companies will likely require reasonable space to construct, operate, access, and maintain their infrastructure. Although private easements are typically between a specific utility and a property owner, they are subject to state and federal law, which may allow them to be used by other providers for compatible uses. Private easements should be recorded with the County and can only be severed through formal release.

