

Utility Easement Overview

What is a utility easement?

An easement is defined as "an interest in land owned by another that entitles its holder to a specific limited use or enjoyment."

The law of easements is complex. There are many different kinds of easements, ranging from "rights of way," "prescriptive easements," "easements by implication," and "easements by necessity."

Utility easements are strips of land used by utility companies to construct and maintain overhead electric, telephone and cable television lines and underground electric, water, sewer, telephone, and cable television lines.

Who owns the utility easement?

The property owner owns all of the land including the utility easements. However, utilities have a right to access that portion of land which has been designated a utility easement.

How are utility easements created?

Utility easements are usually created at the time a plat for a new development is designed. Utility easements almost always exist along streets and along rear lot lines, and sometimes exist between two lots.

Why is it important to keep easements clear?

Keeping utility easements clear helps utility companies perform routine maintenance (e.g. replace a pole), construct improvement projects (e.g. install a new sanitary sewer), and repair utility lines during emergencies (e.g. remove a tree which has fallen on a power line during a lightning storm.)

What if I build on an existing easement?

Construction is subject to Building Setback Lines, and therefore cannot be built within the easement. Setback lines are shown on your subdivision plat. Subdivision plats are available at the County's Planning and Zoning Department.

Can I place decorative landscaping on a Utility Easement?

Most Utilities encourage decorative landscaping within the utility right-of way with the understanding that any materials placed within the boundaries of the utility easement are subject to damage and are not the responsibility of the utility owner. Any replacement cost for such damages is clearly at the discretion of the utility owner.

What about damages of my landscaping from Utility Marking for Construction?

By law, Utilities have the right to mark utility locations in a discrete, non-obtrusive manner, within the boundaries of the utility easement. The type, color and location of these markings are regulated under state law. Although utilities will usually make an effort to limit damage to landscaping, all damages to landscaping located within the boundaries of the utility easement are the responsibility of the land-owner.