



# Easements and Right-of-Way

## *What It Can Mean to You*

### Easements

An easement is a legal right of one party to use the real property of another for a specific purpose.

Granting an easement does not grant ownership of the land; it simply allows the other party to use that land in a very specific manner.

Permanent easements are required where there is a permanent transportation improvement or continuing need for maintenance.

Typical easements are for "Roadway, Drainage and Utilities" adjacent to right of way. Utilities are also allowed *in* the right of way.

### Types of Easements

- Drainage area
- Electricity
- Gas
- Propane
- Sewer
- Water
- Telephone
- Internet and cable television
- Satellite television companies
- New utilities as technology changes



If you have any of these, they are located in an easement and the companies can access this easement for maintenance and installation. As the property owner, you're giving these companies the right to come onto your property to maintain and repair these utilities. You own the land, but they have the right to use your land to access their equipment.

### How do I know if my property has an easement?

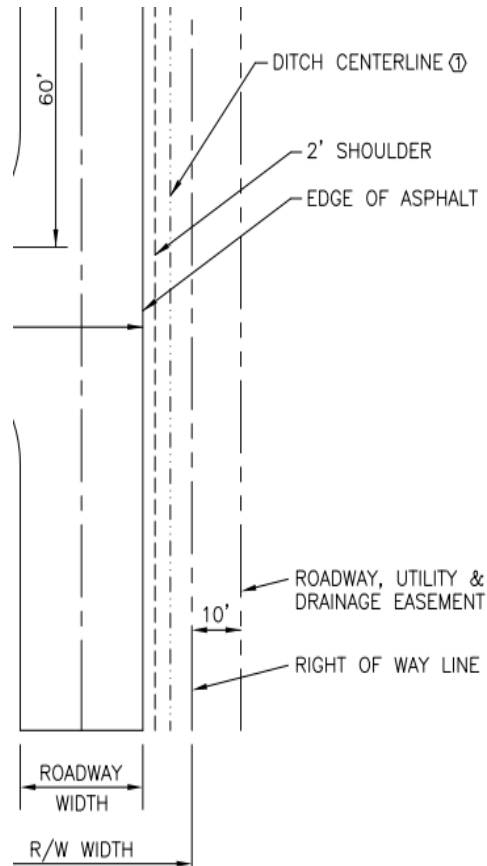
**PLAT**—If you live in a subdivision, chances are you have one. Look on the plat, available at the Kootenai County Courthouse or online at [www.kcgov.us/376/Plat-Search](http://www.kcgov.us/376/Plat-Search). Generally a plat calls out the right-of-way and the easement. It may or may not dedicate it to the Highway District.

**TITLE REPORT**—A title report will list all easements of record, i.e. one that has been recorded. It may give a broad statement regarding 'all easements of record or some similar verbiage.

**DEED**—More specific easements may be listed on the Warranty Deed, for example access to a neighboring property.

### Can I build on the easement or fill in a drainage easement?

Build, no, landscape, maybe, but if you value peace of mind, not building on that easement is the best way to go. The dominant estate owning the easement may need to access the easement and can remove anything for them to perform maintenance and installations. Utility companies and road maintenance crews do their best to work around landscaping but it is not always possible.



### What do I do?

Always check with your local building department for the installation of a fence, deck, retaining wall, even trees and shrubs. You may need a permit and there will most likely be setback requirements.

Then check with the Highway District. Right-of-way widths vary as do roadway, utility and drainage easements.



**ALWAYS – CALL BEFORE YOU DIG**