

Guidance for Property Owners with Utility Easements

An easement is ... a legal interest in real property for a specific purpose. A utility/pipeline easement allows the utility provider to construct and maintain underground pipelines routed on or adjacent to private property.

Property Ownership and Easement Rights

An easement provides others (in this case the Town of Apex and/or Town of Cary) the right to use the real property owned by someone else without possessing it. Property owners maintain ownership of land designated as an easement. Easements are indicated on property surveys, and are recorded with the Registrar of Deeds in the county where the property is located.

Owners' use of property in easements

After an easement is granted, property owners continue to maintain the easement just like the rest of their property. Because construction and utility maintenance staff's need to access the easement area and underground utilities need to be protected from damage, there are certain limitations to what the property owner can do within the easement area. Acceptable activities and limitations are listed below.

Acceptable Activities

- Ground covers, grasses, field crops
- Fences and Landscaping
- Vehicle access across easements including farm equipment
- Harvesting timber before utility construction activities begin
- Livestock grazing

Limitations

- No trees or shrubbery of any size
- No permanent structures

Other uses may be allowed or limited, and the Partners are happy to meet with property owners individually to discuss specific cases such as controlled burns, special crossing requirements, and/or improvements, with property owners individually.

Utility's use of property in easements

To protect public health and the environment, the Towns of Apex and Cary routinely clear utility easements of trees and regrowth to prevent tree root penetration into underground pipelines. Anything installed within an easement by property owners may be removed if the utility agency needs access for installation, operations, inspections, maintenance, or utility line repair. These items are subject to disturbance or damage when easement clearing is performed.

Before any initial easement clearing, a letter will be sent to property owners explaining the purpose for clearing easements and the approximate duration of work to be performed. This allows property owners the opportunity to ask questions and to remove personal items from the easement prior to clearing.

Wherever personal items (such as fences and portable buildings) are left in the easement, construction and utility maintenance staff will carefully remove and set them aside. They will not replace personal items back into the utility easement area and they are not responsible for any damage that may occur to them.

For more information about easement, please contact the Western Wake Partners by telephone at (919) 380-4240, or by email at info@westernwakepartners.com.

