




**PLANNING & DEVELOPMENT MEMORANDUM  
#25-2024**

**DATE:** Sept. 23, 2024

**TO:** Honorable Mayor Meredith Leighty and City Council Members

**THROUGH:** Heather Geyer, City Manager   
Jason Loveland, Deputy City Manager 

**FROM:** Brook Svoboda, Director of Planning & Development   
Rebecca Smith, Planning Manager

**SUBJECT:** Easements and Rights of Way

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**PURPOSE**

To provide City Council information on easements and rights of way (ROW).

**BACKGROUND**

City Council requested staff provide a presentation about easements and ROW as residents often have questions and concerns regarding work that is occurring in easements by the utility provider that has been granted the easement. The presentation will cover the following:

- Define what an easement is and provide examples of different types of easements
- Define ROW
- Easement best practices
- List common utility companies

**BUDGET/TIME IMPLICATIONS**

There are no budget or time implications.

**STAFF RECOMMENDATION**

This is for informational purposes only.

**STAFF REFERENCE**

If Council Members have any questions, please contact Brook Svoboda, Director of Planning & Development, at [bsvoboda@northglenn.org](mailto:bsvoboda@northglenn.org) or 303.450.8937.

**ATTACHMENT**

1. Presentation

# *EASEMENTS & RIGHT OF WAY*

**Brook Svoboda**

*Director of Planning & Development*

*303.450.8937*

*[bsvoboda@northglenn.org](mailto:bsvoboda@northglenn.org)*

**Council Meeting**

*Sept. 23, 2024*



**CITY OF  
Northglenn**

# ***PURPOSE***

- **Define what an easement is and provide examples**
- **Define right of way (ROW)**
- **Easement best practices**
- **List common utility companies**



# ***WHAT IS AN EASEMENT***

**Easement – a legal right to occupy or use another person's land for specific purposes**

- **The use of the land is limited, and the original owner retains legal title of the land.**
- **Easements can be utility easements, allowing companies to run lines through the property.**
- **They are typically made in writing and stipulated in the property's deed.**



# ***TYPES OF EASEMENTS***

- **Utility Easement** – These easements allow for the installation, maintenance, and access to utility lines, such as water, electricity, gas, and telecommunications. They ensure the smooth provision of essential services to properties.
- **Drainage and Water Rights Easement** – Colorado, with its diverse landscape, recognizes easements for drainage and water rights. These easements ensure proper water management, allowing for the flow of water across properties or granting access to water resources.



# ***TYPES OF EASEMENTS***

**CONT'D**

- **Temporary, Non-Possessory Right – Granted to a construction company or contractor to access and use a portion of someone else's property for construction activities**
- **Private Easement – Created or sold by the property owner to another party, often a neighbor**
- **Access Easement – Arises when there is no other reasonable access to a property**



# ***TYPES OF EASEMENTS***

**CONT'D**

- **View Preservation Easement** – In scenic areas where views are highly valued, easements for view preservation can protect the visual aesthetics of a property. These easements can restrict the height or location of structures to maintain unobstructed views.



# ***TYPES OF ROW***

- **Sidewalks and Public Roads** – These are the most common examples of public rights of way. They allow pedestrians and vehicles to travel safely.
- **Other Infrastructure** – Public rights of way can also include City-maintained power lines that cross private property or sewage pipes running underground across someone's land.





# ***PUBLIC ROW***



# ***OWNERSHIP AND RESPONSIBILITY***

- **While public rights of way are technically owned by the City or municipality where they are situated, adjacent property owners often bear the legal obligation to maintain their safety.**
- **Property owners are not required to fix potholes on the street in front of their houses, but they must ensure reasonable upkeep. For instance, during a snowstorm, they usually have an obligation to shovel the sidewalk and prevent dangerous icy conditions.**



# ***OWNERSHIP AND RESPONSIBILITY***

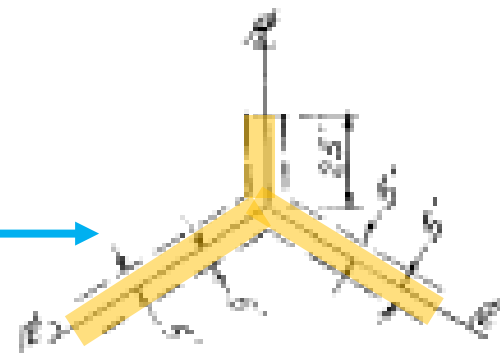
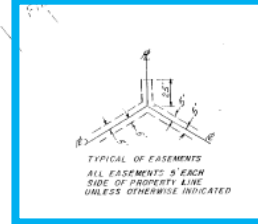
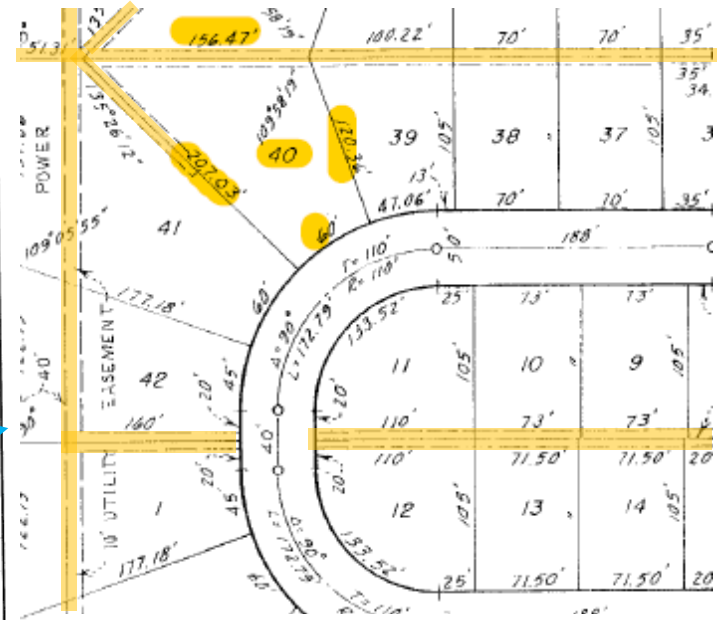
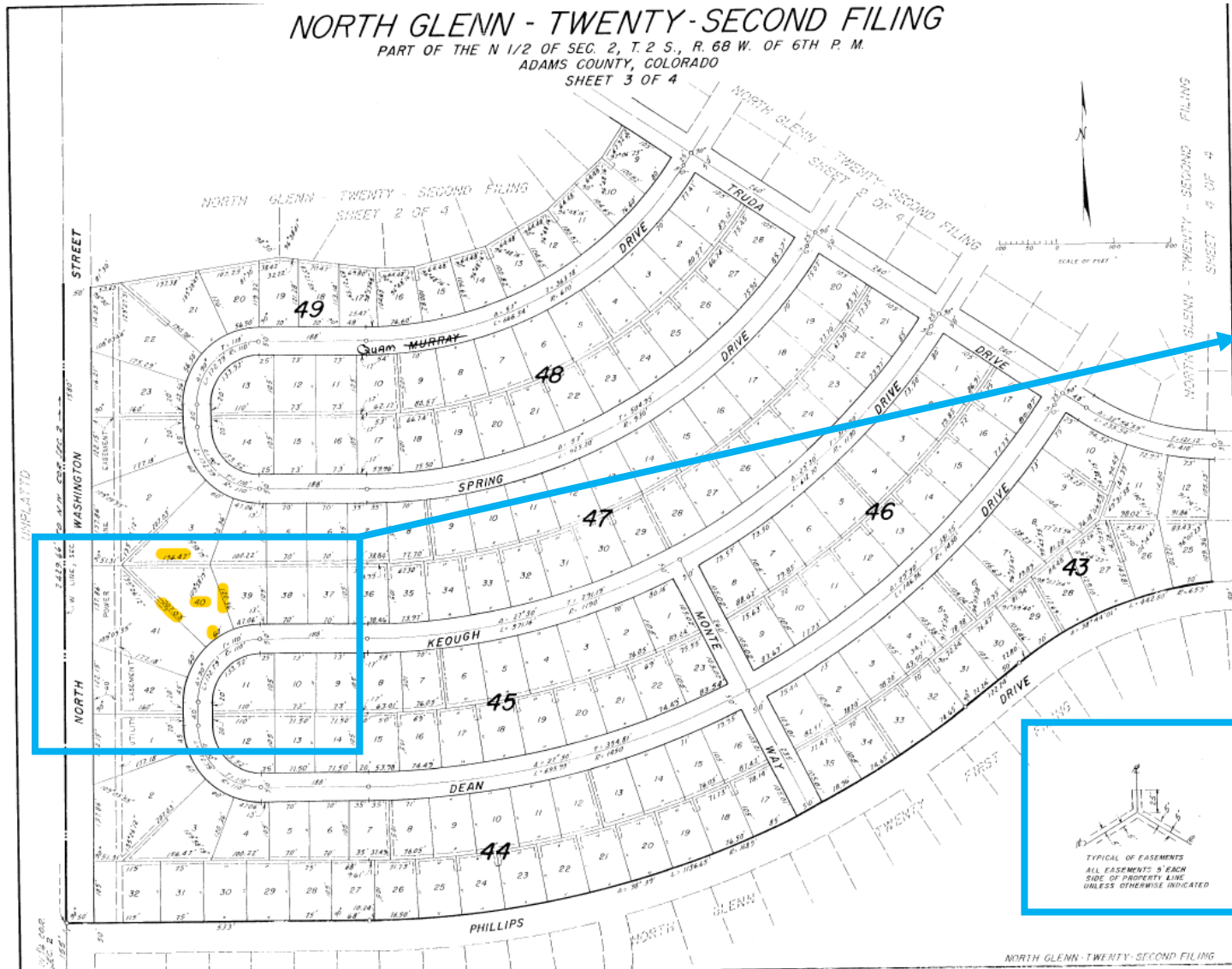
**CONT'D**

- **Property owners may also be responsible for removing dead branches hanging from trees along the public right of way to prevent harm to passers-by.**

**In summary, public rights of way ensure freedom of movement within urban areas, and adjacent property owners play a crucial role in maintaining their safety and accessibility.**



# EASEMENTS DEDICATED VIA PLAT



TYPICAL OF EASEMENTS  
 ALL EASEMENTS 5' EACH  
 SIDE OF PROPERTY LINE  
 UNLESS OTHERWISE INDICATED



# EASEMENTS DEDICATED VIA SEPARATE DOCUMENT

## EXHIBIT "A"

PROJECT NUMBER: IM 0253-222  
TEMPORARY EASEMENT NO.: TE-04  
Project Code: 18695

February 15, 2013

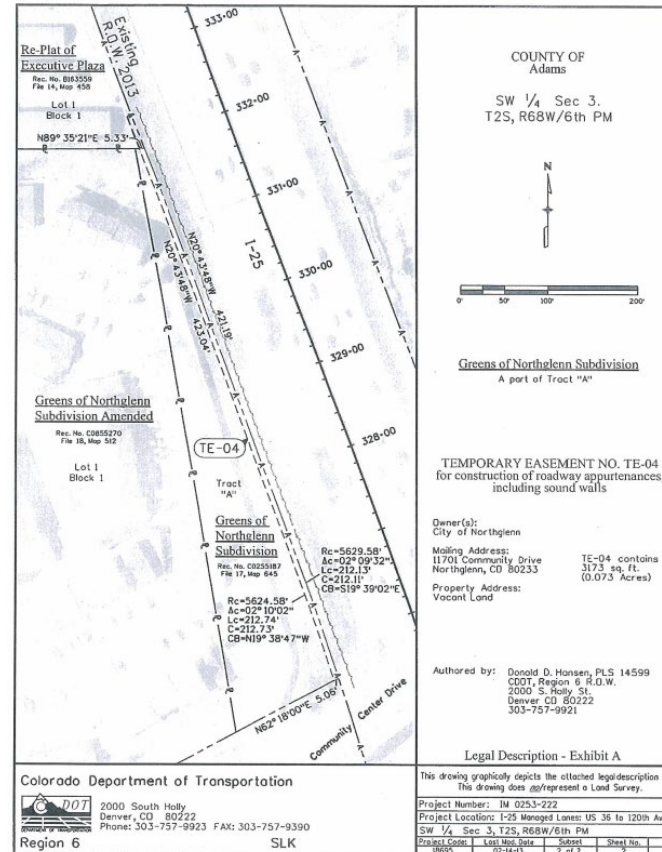
### DESCRIPTION

Temporary Easement, No. TE-04, of the Department of Transportation, State of Colorado, Project No. IM 0253-222, containing 3173 square feet (0.073 acres), more or less, in the southwest quarter of Section 3, Township 2 South, Range 68 West of the 6th Principal Meridian, Adams County, Colorado, lying westerly of the westerly right-of-way line of Interstate Highway No. 25, being the easterly 5.00 feet of Tract "A", Greens of Northglenn Subdivision as shown on the plat filed in the Office of the Adams County Clerk and Recorder under Reception No. C0255187 (File 17, Map 645) and as shown on the attached sketch.

The above described temporary easement contains 3173 square feet (0.073 acres), more or less, and is for construction of roadway appurtenances, including sound walls.

**BASIS OF BEARINGS:** Bearings are grid bearings of the Colorado coordinate system of 1983, northern zone determined by a GPS survey of the control points shown on the Land Survey Control Diagram for CDOT Project IM 0253-222 (Project Code 18695). The line between point MP 218.10 and point MP 218.72, both being CDOT Type II monuments, shown thereon, bears N09°48'26"W, a distance of 3,383.89 feet.

Authorized by: Donald D. Hansen, PLS 14599  
CDOT, Region 6 R.O.W.  
2000 S. Holly St.  
Denver Co. 80222  
303.757.9921



Project Code: 18695

TEMPORARY EASEMENT NO.: TE-04

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# ***MARKED EASEMENTS***

- **Utility companies use temporary, colored flags or paint to help identify the exact kind of subsurface infrastructure that exists under the surface before any digging project begins.**
- **This helps ensure no damage occurs to existing and identified utility lines. It also prevents damage to nearby communities and safeguards construction workers.**



# MARKED EASEMENTS

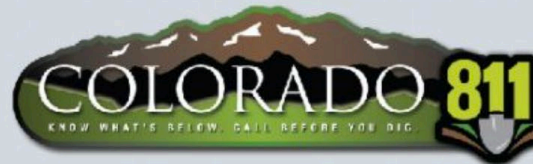


# ***COLORADO 811***

## **COLOR CODE**

**For Marking Underground Utility Lines**

-  Proposed Excavation
-  Temporary Survey Markings
-  Electric
-  Gas, Oil, Steam
-  Communication, CATV
-  Potable Water
-  Irrigation, Reclaimed Water, Slurry Lines
-  Sewer



**Always contact 811 before you dig.**

(800) 922-1987

[www.co811.org](http://www.co811.org)





# ***EASEMENT BEST PRACTICES***

- **Generally, easements should be kept free of structures and expensive landscaping improvements that may make it challenging for the utility to access the infrastructure.**
- **Landscaping and home improvements shouldn't interfere with the utility companies' access to their equipment – if it does, the utility company can remove the obstruction or destroy the obstruction.**
- **Call the Colorado Utility Locator - 811 before digging in an easement.**



# ***EASEMENT BEST PRACTICES***

**CONT'D**


- **Be aware of the basic facts of easements and utility lines to avoid confusion about the work being completed by the utility companies or the City.**
- **Know where easements are located on your property.**
- **Title reports and title abstracts will usually describe all existing easements upon a parcel of real property.**



# EASEMENT BEST PRACTICES

CONT'D

While the City discourages property owners from placing structures and improvements in the easement, there is a form that an owner can submit if they decide they will use the easement for a more permanent structure.




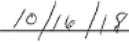
City of Northglenn  
Planning and Development Department  
11701 Community Center Drive  
Northglenn, CO 80233  
(303) 450-8739

LETTER OF ACKNOWLEDGEMENT: EASEMENTS

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By signing below, I acknowledge that there are public or private easements that reside on my property. I am aware that building within any easement is at the risk of the property owner. As the homeowner, I am responsible to contact the easement owner, public or private, and request permission to build on the easement. The City of Northglenn and Safe Built is not liable for damages to structures built within an easement, if work, by the easement holder, within those easements is required.

  
Property Ov

  
\_\_\_\_\_

Sh  
Property Owner Name Printed

10' N  
Property Owner Address



# ***CITY INFRASTRUCTURE***

- **Northglenn provides water and wastewater utility services.**
- **All properties have a water meter, located in a meter pit, which is owned by the City.**
- **The water line from the meter to the structure is owned by the property owner. From the meter to the main line is City-owned.**
- **Do not tamper with the water meter! The City may assess a \$100 fine for tampering with the meter.**



# METER PIT EXAMPLES



# ***METER PIT BEST PRACTICES***

- **Like easements, water pits should be kept unobstructed so that the City can access it in case water needs to be shut off.**
- **Avoid planting landscaping or placing rocks that will cover or screen the meter pit.**
- **Call the City to request a water service shut-off at the meter pit at 303.450.8770.**
- **Tampering with the meter can result in a \$100 tampering fine. The meter is owned by the City.**



# ***LIST OF COMMON UTILITY HOLDERS***

- **Xcel**

[www.xcelenergy.com](http://www.xcelenergy.com)

- **Century Link**

<http://www.centurylink.com/>

- **Comcast**

<http://xfinity.comcast.net/>

- **City of Northglenn**

<http://www.northglenn.org>

- **Suncor/Wyco Pipeline**

- **Thornton**

- **Westminster**



# *QUESTIONS?*



**CITY OF**  
**Northglenn**