

SECTION 6: EASEMENTS & RIGHTS OF WAY

6.01 Intent:

- A. It is the District's intent that all sewer facilities will be located within dedicated public street right-of-way, unless specifically approved by the District for construction within easements.
- B. The District shall have all-weather drivable access over every manhole and all portions of every mainline sewer pipe to perform inspections, operation and maintenance, rehabilitate, repair, and reconstruct its facilities.

6.02 Requirements:

- A. Every sewer pipe and sewerage facility to be dedicated to and maintained by the District shall be constructed within public street rights-of-way, within dedicated sewer easements, or within exclusive sewer easements granted to the District.
- B. The rights-of-way requirements are to acquire rights to facilitate access to, operation and maintenance of, repair, rehabilitate, and reconstruct the sewer facilities.
 - 1. Sewer easements granted to the easement shall be in a standard District format and shall contain the following terms and conditions:
 - a) No buildings, structures, walls, fences, or trees, including the drip line, shall be placed upon, over or under said parcel of land within the easement for the duration of this easement, except as shown on improvements plans approved by the District and except that said parcel may be improved and used for street, road or driveway purposes trail, path parking lot, non- vehicular public access, or shallow root landscaping purposes and for other utilities, insofar as such use does not interfere with the District's use of and access to the easement for the purposes for which it is granted.
 - b) The District shall not be liable for any damage to any of the Grantors(s) improvements placed upon said parcel due to the District's operations using reasonable care.
 - c) Should any of the District facilities within said easement be required to be relocated or repaired as a result of changes in grade or other construction within the easement, the Grantor(s) or its successors and assigns shall bear the full cost of such relocation or repair, unless changes in grade or other construction are done with the prior written consent of the District.
 - d) The Grantor shall not allow any obstructions which may impede or interfere with the District's use of or access to said easement.
 - e) The District shall have the right, but not the obligation to cut, trim, remove trees, brush, and/or remove other unauthorized obstructions which may impede or interfere with the District's use.

- f) The District accepts no responsibility for or liability to Grantor or any other party for any damages arising out of the installation, use, maintenance, ownership or operation of other utilities or any other improvements within District's easement and right of way.
 - g) All provisions of this easement, including the benefits and burdens, run with the land and are binding upon and inure to the Grantor(s), the District, and their heirs, assigns, successors, tenants and personal representatives.
 - h) The Signatory for Grantor(s) shall warrant that it has the legal authority to bind the party hereto and Grantor(s) warrant that it may legally grant the rights described herein.
2. For each easement submitted, a legal description and exhibit, with original signature(s) of the property owner(s) and notary signature/seal is required.
- C. In addition to the minimum requirements defined herein, the District may from time to time, for specific projects, impose additional rights-of-way or improvement requirements to resolve special problems such as turnaround space.
- D. The land required for wastewater pump station facilities to be dedicated to and maintained by the District shall be granted to the District in Fee Title.
- E. All rights-of-way, easements, and land for construction of sewer facilities associated with a specific project (both on-site and off-site) shall be provided by the Owner, at the Owner's expense and at no cost to the District.

6.03 Street Location:

- A. For new subdivisions, sewer pipes shall be located 6-feet off of the street centerline.
 - 1. Alignment shall be parallel to the street centerline wherever possible.
- B. For sewer pipes to be constructed in existing streets, factors such as curbs, gutters, sidewalks, traffic conditions, pavement condition, future street improvement plans, and presence of existing utilities shall all be considered in fixing the sewer pipe alignment.
- C. The approval of all appropriate governing agencies shall be obtained in every instance.

6.04 Sewer Easements:

- A. The use of easements outside of public street rights-of-way for routing sewer pipes shall be kept to a minimum and then only with the approval of the District.
- B. Minimum Easement Widths

1. For sewer pipe less than 27-inch I.D. (inside diameter), at a maximum depth of 10-feet, measured from proposed ground level to flowline of pipe, the width of required permanent easement is 20-feet.
2. For larger sewer pipe sizes, the following table shall apply:

Pipe Size (I.D.)	Minimum Easement Width
27" up to 48"	25-feet
48" and above	30-feet

3. For all mains with depths greater than 10-feet, measured from proposed ground level to flowline of pipe, the following equation will apply:

$$\text{Easement Width} = ((\text{Depth of Pipe} - 4\text{-feet}) \times 2) + (\text{O.D. of Pipe}) + (2\text{-feet})$$

Note: Easement width is rounded up to the nearest 5-feet.
Depth of Pipe measured in feet.
O.D. is outside diameter of pipe measured in feet.

4. Easements shall not exceed fifty (50) feet in width unless required by special circumstances.
 5. The sewer pipe centerline shall be located at the center of the easement unless otherwise approved by the District. The sewer pipe centerline shall be located at least half of the minimum easement width from the edge of the easement.
- C. Easements shall not straddle property lines.
- D. Permanent structures such as, sound walls, retaining walls, and trees are not allowed within sewer easements.
- E. Trees shall be planted so that the dripline of the tree at maturity is located entirely outside of the sewer easement.
- F. Plans shall note that joint utility trench structures, boxes, pads, transformers, and service points shall be prohibited in the sewer easement area.

6.05 Sewer in Public Utility Easements:

- A. The use of public utility easements (P.U.E.'s) for routing sewer pipes is not permitted unless specifically approved by the District.
- B. When sewer facilities are approved to be located in public utility easements, care shall be taken to comply with all health and safety standards for grade and separation of sanitary sewer pipes from other utilities.
- C. The minimum width of public utility easements with sewer facilities and the location of sewer facilities within the public utility easement shall comply with Section 6.04B.

D. If determined necessary by the District, a separate easement shall be provided.