

Understanding Easements

An easement allows another person the right to use your land for a specific purpose. The most usual easements are those granted to public utility or telephone companies to run lines on or under your private property and to neighboring houses to use a common driveway to give access to their home.

What is a utility easement?

Utility easements are strips of land used by utility companies or village municipalities to construct and maintain electric, telephone and cable television lines, water, and sewer services.

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 also 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?

All utility companies, public and private, which have the right to use the utility easement, must give their written approval and required permits obtained before any accessory building can be built in an easement.

What if I build a fence in an easement?

Although the Village Code permits fences to be located in an easement, an obstruction in the way of a utility company lengthens outage or interruption by making the utility company move obstructions out of the way. The damage caused by moving an object out of the way or removing a fence is not the responsibility of the utility company. The utility company, by the rights of the easement, has the power to do what it takes to maintain the utility.

Can I place decorative landscaping on a Utility Easement?

Most Utilities discourage decorative landscaping within the utility right-of way. Any materials placed within the boundaries of the utility easement are subject to damage and are not the responsibility of the utility companies. Any replacement cost for such damages is at the discretion of the utility company.

What about damages to 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.

How do I determine if there are easements on my property?

The legal Plat of Survey that you received as part of your home purchase should show all of the easements on your property.