



## EASEMENTS

### What is an Easement?

An easement is a grant by the owner of a parcel of land to someone else for a specific use or purpose. They are typically designated on a map or included in the legal description for the property and recorded with the County Recorder. In general terms, this means another individual or organization may access the portion of the property covered by the easement for a specific use. The property is still owned by the property owner but the easement may limit what may be located on that portion of the property.

There are many different types of easements. This brochure is intended to help a property owner identify and understand some of the most common types of easements and how they may affect their properties. Some easements may also be written to allow for more than one kind of use, combine two types of easements in a single document, or use a different name. For more detailed information, or for issues regarding individual properties, an attorney should be consulted.

If the property is part of a subdivision, the easements will be shown on the subdivision plat. If the property is not part of a recorded subdivision, easement information will be included as part of the legal description of the property. This information may also be obtained from the Navajo County Recorder, or the office where the property title is recorded.

It is important to note that most easements are private agreements between the property owner and the party who either has an easement or who wants one. Maintenance of the easement (particularly access easements) is the responsibility of the parties involved, unless the easement has been specifically dedicated to a public agency. Property access easements are not maintained or enforced by the Town of Taylor.

### What Kind of Easement do I Have or Need

**Access Easement** – Designates an area on a property which can be crossed by the owner of an adjacent property (or multiple owners of multiple properties) and provides primary access to a public road for the adjacent property. Access easements are sometimes referred to as “driveway easements.”

**Cross Access Easement** – Is typically used on commercial properties that share a driveway entrance, as with the case of a large commercial complex containing several individual lots. Use of an easement allows traffic from one property cross another property to access the driveway or a common parking area.

**Irrigation Easement** – An area designated to provide for the installation or maintenance of public or private irrigation facilities and allow property access to maintain these facilities in the future.

**Landscape Easement** – Designates an area on the property to be used for landscaping. This may be a required landscaped buffer between properties of different uses, or between a commercial use and the frontage street.

**Public Access Easement** – Allows the public access to use and cross the property. They are typically improved for pedestrian or bicycle use and connect to other facilities such as parks, streets, schools, shopping, etc. These easements are maintained by the agency that has it.

**Public or Private Drainage Easement** – Is an area designed and used to convey or retain storm water runoff. Nothing can be placed in the easement area which will impede or divert the runoff or cause the runoff to adversely affect on adjoining property. This type of easement may be publicly owned and maintained by a Flood Control District, City, Town or County or other agency, or be privately owned and maintained privately.

**Public Utility Easement (PUE)** – An area designated for the location of public facilities, including their extensions above ground. Examples include water lines, fire hydrants and meter boxes, cable television facilities and junction boxes, electrical lines and service access boxes, sewer lines and manhole rims and gas lines and valves.

**Public Utility and Facility Easement (PUFE)** – An area designated for installation of facilities overhead or underground for use by the public. This easement may also be used to provide access to another property, as in the case of private streets. These easements may also allow for other improvements such as streetlights, traffic signals, sidewalks, landscaping, and flood control facilities. These facilities may be owned and operated by one or more people, or agencies or a public body.

**Public Roadway Easement** – Allows the area to be paved and used as a public roadway crossing the property. In addition to the roadway paving, the easement also typically allows for the placement of street signs, streetlights, traffic signals, electrical lines, etc. which may be needed as part of the road.

**Vehicular Non-Access Easement (VNAE)** – Is used to restrict vehicular access to or from a property by not allowing vehicles to cross the property line. This limitation may be to not allow access to a street at a specific location or between private properties.

**Use and Benefit Easement** – Allows for access across the property for the purpose of repairing, maintaining, or improving facilities located on properties adjacent to the easement area. No structure or other permanent improvement can be placed within the easement area.