

**Section 5.11 - Easements**

- A. The property owner shall be required to furnish all easements and rights-of-way required to serve the development with both public and private utilities and shall be shown on the Preliminary Site Evaluation or Final Plat and accompanying construction plans. Utility easements shall be considered part of the right-of-way and subject to all ordinance requirements for right-of-way.
- B. Easements shall be provided for both municipal and private utilities. Municipal or other public easements for water, wastewater and storm sewer shall be a minimum fifteen (15') in width. All municipal easements may be wider as determined by the Director of Public Works depending on the depth and size of the utility. Easements for the private utility companies shall be established based on the utility company's guidelines. However, trees and shrubs shall remain if further than five feet from utility lines. Proper coordination shall be established between the property owner, developer, and the applicable utility companies for the establishment of utility easements as needed to serve the development.
- C. Location of utility easements. When topographical or other conditions are such as to make impractical the inclusion of utilities within public rights-of-way, perpetual unobstructed easements at least fifteen feet (15') in width shall be provided along selected side lot lines for satisfactory access to the street or rear lot lines. Easements shall be indicated on the plat.
- D. Water, sanitary sewer, or drainage easements shall be allowed to straddle an internal lot line or be placed with one half of the easement width on each adjacent lot except for those easements that are placed along the boundary of a subdivision shall not straddle the lot line but be contained within the boundary of the lot for that subdivision.
- E. Electric, gas, telephone, and cable TV easements shall meet the requirements of the respective utility company and shall not conflict with the UDC nor with, or be coincident with, water, sanitary sewer, or drainage easements.
- F. The contractor and owner shall be responsible for locating existing utilities and is responsible for all damage to existing public improvements caused during construction of new public improvements.
- G. Electric, cable, traffic, water and sanitary sewer metering, low-watt lighting, telephone, internet provider, and smart house facilities serving the subdivision may be located with a Utility Duct Bank Facility. If a Utility Duct Bank is proposed for a development, easements shall be provided and utilities shall be installed to adequately serve the subdivision. All easement locations and utility installations shall be in accordance with industry standards and comply with the UDC. All provisions and responsibilities regarding dedication, construction, installation and maintenance shall be incorporated into the Development Agreement for the addition. Easement installation and maintenance shall not remove trees and shrubs if further than five feet from the utility lines.
- H. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be of such widths as may be reasonably necessary for the utility or utilities using same. It shall be the subdivider's responsibility to determine appropriate easement widths as required by utility companies.
- I. Where a subdivision is traversed by a watercourse, drainageway, or channel, there shall be provided a storm water easement or drainage right-of-way conforming substantially with such course and of such additional width as may be designated by the Director of Public Works, subject to determination according to proper engineering considerations. The required width shall conform to the requirements set forth by the Federal Emergency Management Agency (FEMA). Parallel streets or parkways may be required adjacent to creek or drainageways to provide maintenance access or access to recreation areas. City approved utilities are permitted within the drainage easement.
- J. A lot area shall be computed inclusive of all easements.

**ARTICLE FIVE**  
**Unified Development Code**

Adopted: July 7, 2015

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- K. Accessory buildings, swimming pools and its appurtenances are not allowed in any rights-of-way, easements, floodway or 100-year flood plains.
- L. All construction within easements shall comply with the requirements outlined in [Design Standards and Technical Construction Standards of this UDC](#).