

Easements & Street Right-of-Way

Definitions

An **Easement** is a grant of one or more property rights by a property owner for use by the public, a corporation, or another person or entity.

Right-of-way is land acquired by reservation or dedication intended for public use, and intended to be occupied or which is occupied by a street, trail, railroad, utility, oil or gas pipeline, water line, sanitary sewer, storm sewer or other similar uses. The primary type of right-of-way in the City of Plymouth is street right-of-way.

Purpose

Easements grant a specific property right to the entity to which the easement is granted (i.e., regulatory and governmental agencies and/or private entities).

Easements may be established for drainage, access, transportation, sanitary sewers, storm sewers, water mains, private utilities, trails, drainage ponds, wetlands or other public or private use.

Many properties in Plymouth have easements that provide the city & utility companies access for infrastructure improvements and maintenance along the perimeter of a lot.

Property owners may check their certificate of survey, abstract, or deed for easement and property line information.

General Right-of-Way and Easement Guidelines

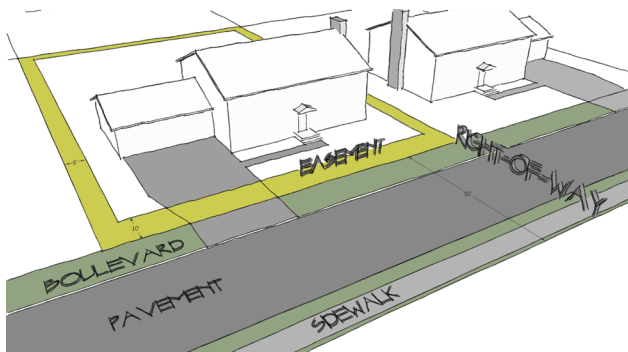
Property owners are required to follow all city zoning laws, ordinances and policies and obtain all necessary permits.

Surface landscaping is typically allowed in non-wetland easements. The city discourages planting of trees and shrubs in easements and street rights-of-way that cover public utilities and drainage ways, as these are the most likely locations to be disrupted by future work. Landscaping plans can be reviewed with the Engineering Division to verify their compatibility with the easement.

Wetland easements are regulated by watershed districts, the Army Corps of Engineers and the Minnesota Department of Natural Resources.

Unless the Engineering Division grants prior approval, construction or landscaping shall not change or alter drainage patterns in a drainage way, swale, ditch or other method of storm water conveyance.

Property owners are advised to call Gopher State One Call at (651) 454-0002 or 1-800-252-1166 to have all utilities located prior to constructing or digging within private easements or public easements and street rights-of-way.



General Right-of-Way and Easement Guidelines (cont'd)

Right-of-way: The erection and/or placement of any structure in the public right-of-way or on city property by any person or group other than the City of Plymouth, Hennepin County, Metropolitan Council, State of Minnesota, or franchised utility shall require the processing of a conditional use permit in accordance with Section 21015 of the Zoning Ordinance.

Exceptions to this provision include: newsstands, essential services, mailbox structures not exceeding six feet in height, radio receivers and transmitters as an accessory use to essential services, and personal wireless communication antennas located on existing lattice electrical transmission towers, provided that the use and equipment comply with applicable zoning requirements.

Easements: The erection and/or placement of any structure in an easement requires an **Encroachment Agreement Application** together with City Council approval. City staff will consider factors such as the type and use of the easement and the type and use of the proposed structure when making a decision to recommend approval or denial of the request. An encroachment agreement must be signed by the property owner prior to council action.

The following structures may be allowed in easements with approval of an Encroachment Agreement Application provided that they could be easily moved or removed as determined by city staff:

- **Sheds up to 120 square feet** (without permanent foundations).
- **Any swimming pool that does not require a building permit.** A swimming pool requiring a permit is defined as: any permanent or portable structure such as a pool, hot tub, or spa located on private property under the control on the homeowner, the use of which is limited to swimming or recreational bathing by the owner's family or invited guests, and having a depth of two feet or more at any point and (a) a surface area of 250 square feet or more, or (b) a volume of 3,250 gallons or more.
- **Retaining walls for landscaping** (provided drainage patterns are not affected).
- **Decks (free-standing or attached) that cantilever into the easement.** Permanent footings and support posts are not allowed within the easement area.

Structure or Landscaping Removal

If, for any reason, the city or other authorized agency needs to perform work in an easement, the property owner must remove, at their expense, any structure or landscaping located within the easement within 30 days of being notified.

The city or any other authorized agency is not liable for repair or replacement of any structure or landscaping in the event it is moved, damaged or destroyed by virtue of the lawful use of the easement.

An approved encroachment agreement for construction within an easement does not absolve a property owner of the above responsibilities and shall not be construed as an approval to violate any codes or ordinances of this or any other jurisdiction.