

PMAA

Successful Utility Easement Acquisition Strategy

Right-of-way: an easement
that allows another person to
travel or pass through your
land

Easement: the right to use the property of another for a specific purpose/reason

- NSTMA R/W HISTORY + 300 R/W OVER 4 YRS. – 6 CONDEMNATIONS

- R/W VS. EASEMENT – TRAVEL
ACROSS/USE OF LAND

- SEWER VS. WATERLINE
EASEMENT

- STATE/TOWNSHIP R/W
VS.
BACKYARD PRIVATE
VS.
PAPER STREETS

- STATE LEGAL INTERPRETATION

- FRONT FOOT ASSESSMENT,
BENEFIT ASSESSMENT,
\$1

- TOWN HALL STYLE
VS.
INDIVIDUAL MEETING

- DEVELOP DETAILED EASEMENT TRACKING SPREADSHEET

- INDIVIDUALLY CONTACT ALL RESIDENTS

- PROVIDE SIMPLIFIED EASEMENT AGREEMENT, PREFERABLY IN ENGLISH

- SCHEDULE IN-PERSON ON-SITE MEETINGS

- PROVIDE INDIVIDUAL ATTENTION TO EACH RESIDENT

- BE CONSISTENT – FAIR – EQUAL WITH ALL RESIDENTS

- THREE MOST IMPORTANT PHRASES: “NO”, “I UNDERSTAND”, “OK”

- EXPECT ALL COMMUNICATIONS TO BECOME PUBLIC KNOWLEDGE

- AVOID INDUSTRY TERMINOLOGY

- REMEMBER NAMES AND REPEAT OFTEN

- AVOID DANGEROUS PRECEDENCE/PROMISES

- DEVELOP/REPEAT POSITIVE ASPECTS OF PROJECT

- EMPHASIZE WILLINGNESS TO REACH MUTUAL AGREEMENT

- AVOID SAYING “CONDEMNATION” EARLY

- ISOLATE HIDDEN CONCERNS
ASAP

- UTILIZE TIME TO IDENTIFY
FUTURE CONSTRUCTION
CONCERNS

- REVISE DESIGN ACCORDINGLY

- PROVIDE FREE/AT WILL
NOTARY SERVICE

- SEAL THE DEAL AS SOON AS POSSIBLE

- CONDEMNATION DEFENSE ALLOCATION CHANGES
\$1K - \$4K - \$1K

- LEGAL LETTER OF
CONDEMNATION INTENTION

- CONDEMNATION – LAST
RESORT

- 30 DAY RIGHT TO APPEAL

- IF NO APPEAL WITHIN 5 YEARS
– EASEMENT IS YOURS

- BEWARE POLITICAL PRESSURE

- BOARD OF VIEW ESTABLISHES
FINANCIAL IMPACT \$

- BEWARE HIDDEN/ASSOCIATED COSTS OF CONDEMNATION

- RECORD ALL EASEMENTS