

Identifying Easements

How Well Do YOU Know Your Property?

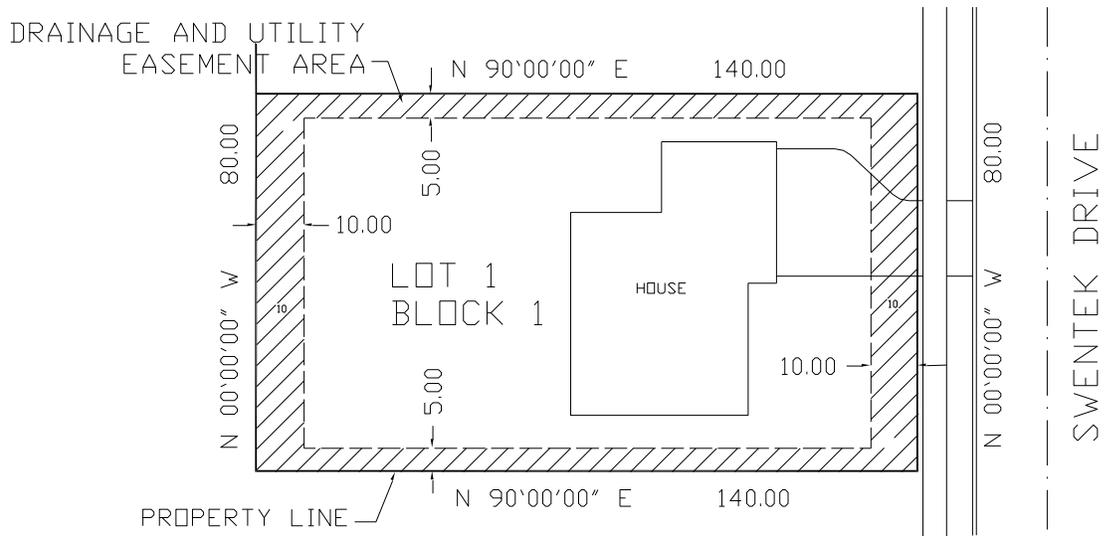


Exhibit showing the different dimensions of drainage and utility easements that may exist on a typical lot within the City of Shakopee

What you need to know about easements to avoid legal problems, frustration and unnecessary expense:

➤ What is an easement?

The City of Shakopee defines an easement as “A grant by a property owner of the use of land by the public or appurtenant to another property for a specific purpose or purposes”.

➤ What is the purpose of an easement?

During the platting process, when lots are being created, easements are dedicated as seen above to accommodate storm water runoff (either in swales or storm water ponds) and utilities such as sanitary sewer, storm sewer, watermain, electric lines, gas lines, telephone lines and cable television lines.

Additionally, and perhaps most importantly, *the easements serve as access points for authorized personnel to enter for inspection and maintenance purposes.* Should a failure of any of the previously listed utilities occur, easements are typically the only entrance available to make repairs.

➤ How is the use of easements restricted?

City Code prohibits property owners from constructing, altering, extending or enlarging any permanent building, structure or fixture on, over, under or across any easement of the City of Shakopee without obtaining written approval from the City of Shakopee.

The City Code further prohibits any landscaping including, but not limited to, trees, shrubs, fences, rocks and berms from being placed on, over, under or across any easement that will interfere with the ingress or egress by the City of Shakopee for maintenance purposes.

➤ How do I know where easements are located on my property?

When you purchase a home, the builder or previous owner should provide you with a certificate of survey at closing clearly showing the property lines and all easements on the lot.

If you cannot find this survey, the City of Shakopee usually has a copy on file at City Hall.

➤ Examples of prohibited structures and landscaping that may negatively impact an easement:

- | | |
|--------------------|----------------------|
| ✓ Sheds/Playhouses | ✓ Landscape Boulders |
| ✓ Decks/Patios | ✓ Retaining Walls |
| ✓ Doghouses | ✓ Fences |
| ✓ Pools | ✓ Wood Chips/Mulch |
| ✓ Trees | ✓ Compost Piles |
| ✓ Shrubs | ✓ Berms |

If you are contemplating any improvements within a drainage and utility easement on your property or if you have any questions concerning easements or require additional information, please contact Jim Henderson in the City's Public Works Department at (952) 233-9368 or jhenderson@shakopeemn.gov.

City of Shakopee
EASEMENT FENCING AND LANDSCAPING POLICY

*Adopted by the Shakopee City Council June 5, 2007
Amended by the Shakopee City Council July 1, 2008*

For the purpose of this policy, easements shall be classified into the following categories:

- 1) Standard lot line drainage and utility easements that do not contain underground storm sewer, sanitary sewer, or watermain utilities.
- 2) Drainage and utility easements that contain underground storm sewer, sanitary sewer, or watermain utilities.
- 3) Drainage and utility easements that serve as inspection and maintenance access points for City personnel.
- 4) Drainage and utility easements that serve as ponding basins.
- 5) Trail or pedestrian easements.

Any fence, plantings, or other landscape improvements installed within a drainage and utility easement are subject to removal as necessary for the installation, repair, maintenance, access or removal of public utilities and/or drainage improvements. The property owner shall be responsible at their expense for both the removal costs and reinstalling any improvements within the drainage and utility easement that were removed in order to utilize the drainage and utility easement.

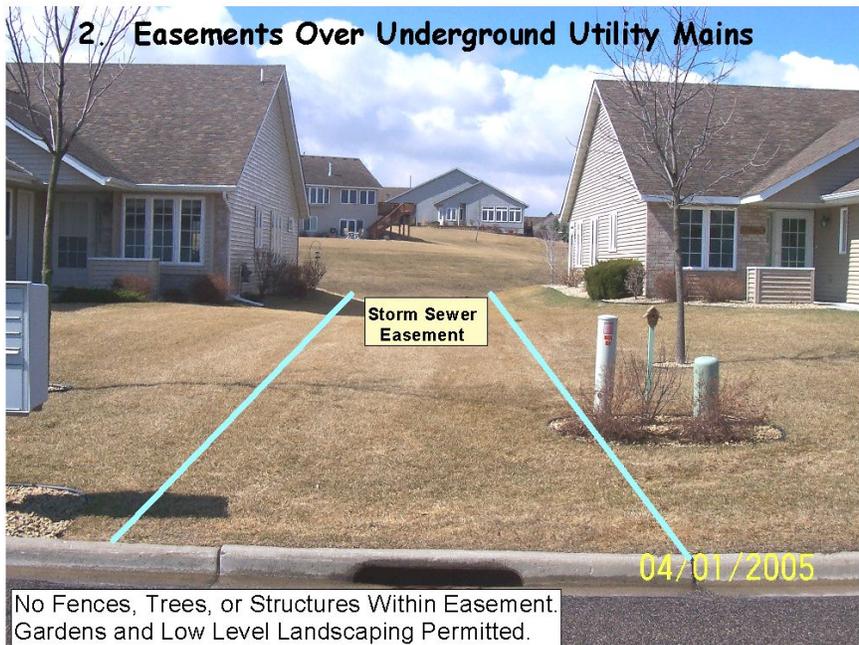
1. Standard lot line drainage and utility easements that do not contain underground storm sewer, sanitary sewer, or watermain utilities.

Fences, trees, bushes, gardens, lawn irrigation systems and other types of landscaping are permitted as long as the improvements meet City ordinance requirements and applicable permits are granted. However, these improvements cannot impede drainage flow.

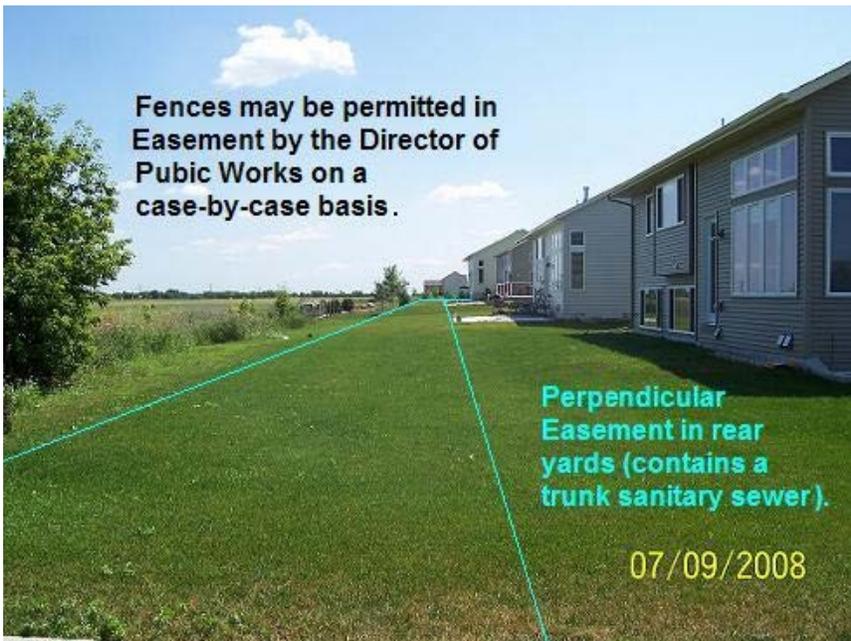


2. Drainage and utility easements that contain underground storm sewer, sanitary sewer, or watermain utilities.

No fences, trees, landscape timbers or block, play structures, utility sheds or hedges and other large bushes shall be installed within drainage and utility easements that contain underground storm sewer, sanitary sewer, or watermain utilities. Small gardens, small bushes and other low level landscaping is permitted within these easements as long as such improvements do not block inspection and maintenance access to the underground utilities.



Fences may be permitted by the Director of Public Works on a case-by-case basis in situations where the easement runs perpendicular to the property line and sufficient access to the utilities will be maintained. In addition, the fence will need to meet all City ordinance requirements, applicable permits must be applied for and approved by the City and the property owner must enter into an encroachment agreement with the City, if recommended by the Director of Public Works.



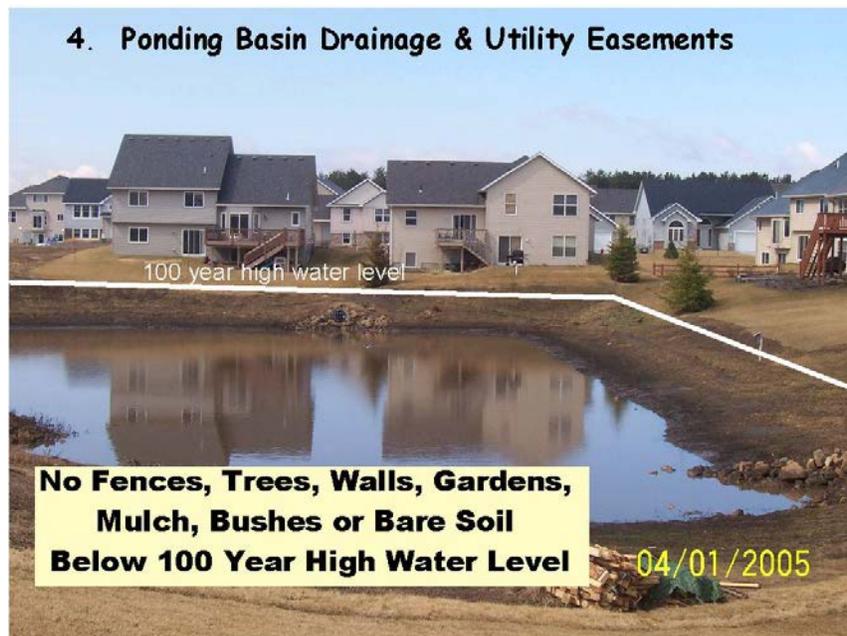
3. Drainage and utility easements that serve as maintenance access points for City personnel.

No fencing or landscaping improvements are permitted within a drainage and utility easement that will impede inspection or maintenance access points for City personnel.



4. Drainage and utility easements that serve as ponding basins.

Non-slat chain link fences or split rail type fences, trees, bushes, landscape walls, and other landscape materials may be permitted within drainage and utility easements that serve as ponding basins provided they are: approved by the Public Works Department; are installed above the 100 year high water level for the pond; and do not impede water flow or maintenance access to the pond. The Public Works Department may require the installation of gates for fence installations that may restrict access to the ponding basin.



All of the ground surface within the ponding basin area at or below the 100 year high water level for the pond must be vegetated with grass or other suitable ground cover approved by the Public Works Department. No mulch, gardens, bushes or bare soil shall be permitted within the ponding basin area at or below the 100 year high water level for the pond.

5. Trail or pedestrian easements.

No private fence or landscaping improvements are permitted within trail or pedestrian easements.

