

# ***Section 6 – Easements and Rights-of-Way***

<b>GENERAL REQUIREMENTS</b> .....	6-1
<b>I. EASEMENTS</b> .....	6-1
6.1 ROADWAY EASEMENT.....	6-1
6.2 UTILITY EASEMENT .....	6-1
6.3 SEWER EASEMENT .....	6-1
6.4 WATER MAIN EASEMENT .....	6-2
6.5 CHANNEL EASEMENT .....	6-2
6.6 DETENTION/RETENTION POND EASEMENT .....	6-2
6.7 EMERGENCY ACCESS EASEMENT (INGRESS/EGRESS) .....	6-2
6.8 ACCESS EASEMENT (INGRESS/EGRESS).....	6-3
6.9 TRAFFIC SIGNAL EASEMENT .....	6-3
6.10 LOOP DETECTOR/TRAFFIC CONTROL EASEMENT .....	6-3
6.11 ELECTRIC EASEMENT .....	6-3
6.12 EASEMENT BY PRESCRIPTION .....	6-3
6.13 TEMPORARY WORK EASEMENT .....	6-4
6.14 WORK AGREEMENT .....	6-4
<b>II. RIGHTS-OF-WAY</b> .....	6-5
6.15 WARRANTY DEED .....	6-5
6.16 ROADWAY EASEMENT .....	6-5
(PERMANENT ROADWAY RIGHT-OF-WAY)	
6.17 TEMPORARY ROADWAY EASEMENT.....	6-5
(USED FOR TEMPORARY ROADS AND CUL-DE-SACS)	

## **SECTION 6 – EASEMENTS AND RIGHTS-OF-WAY**

### **GENERAL REQUIREMENTS**

All legal descriptions, plats and related survey drawings shall be prepared in accordance with Chapter 4733-37 of the Ohio Administrative Code (Minimum Standards for Boundary Surveys in the State of Ohio) and the Summit County “Standards for the Approval of Plats and Legal Descriptions used in Real Property Conveyances”. In addition, requirements as listed in the Codified Ordinances of the City of Hudson, particularly Part Twelve (Land Development Code) and the City of Hudson Lot Split/Consolidation Plat Checklist, shall apply, all latest revisions.

### **I. EASEMENTS**

#### **6.1 ROADWAY EASEMENT**

Refer to Item 6.16.

#### **6.2 UTILITY EASEMENT**

A Utility Easement conveys a perpetual right to construct, maintain, readjust and relocate utilities outside regular roadway rights-of-way and includes the right of ingress and egress. All easements in a new subdivision are to be Utility Easements unless otherwise approved by the City. In cases where a utility easement is parallel with an existing or new roadway, the utility easement shall be 20 feet in width if placed entirely on one side of the roadway or as approved by the City. Otherwise, a utility easement 10 feet in width shall be placed on each side of the roadway or as approved by the City.

In all other cases, a utility easement shall be a minimum width of 30 feet or as approved by the City and every effort shall be made to establish the easement in relation to a recoverable line (i.e. parallel or centered about a property line).

#### **6.3 SEWER EASEMENT**

A sewer easement conveys a perpetual right to construct, maintain, readjust and relocate a sewer, specifically storm sewers and sanitary sewers, outside regular roadway rights-of-way and includes the right of ingress and egress. Sewer easements shall be a minimum width of 30 feet or as approved by the City with an additional temporary work easement 10 feet in width on each side of the sewer easement or as approved by the City to be used for the construction of the sewer.

#### 6.4 WATER MAIN EASEMENT

A water main easement conveys the right to construct, maintain, readjust and relocate a water main and its appurtenances (i.e., hydrants, valves, water meters, etc.) outside regular roadway rights-of-way and includes the right of ingress and egress. Water main easements shall be a minimum width of 20 feet or as approved by the City with an additional temporary work easement 10 feet in width on each side of the water main easement or as approved by the City to be used for the construction of the water main.

#### 6.5 CHANNEL EASEMENT

A channel easement conveys the right to construct and maintain a perpetual open watercourse outside regular roadway rights-of-way (i.e., ditches, swales, etc.) and includes the right of ingress and egress). The grantor retains the right to use the area for any other purpose provided that this use does not impair the proper functioning of the drainage facility. The channel easement width shall extend to a point 15 feet beyond the top of bank on each side of the channel or as approved by the City. See Figure 6.5.1. The top of bank is defined as the break point in the land which separates the channel bank from the adjacent stable land, excluding any unstable overhang which may exist as a result of channel erosion.

#### 6.6 DETENTION/RETENTION POND EASEMENT

A detention/retention pond easement conveys the right to construct and maintain a pond and its appurtenances (i.e., outlet structure, etc.) which is used for the detention/retention of storm water runoff and includes the right of ingress and egress. The detention/retention pond easement shall be a minimum width of 30 feet outside the entire perimeter of the pond or as approved by the City.

#### 6.7 EMERGENCY ACCESS EASEMENT (Ingress/Egress)

An emergency access easement conveys the right of ingress and egress to be used for fire protection and emergency services. Emergency access easements shall be a minimum width of 40 feet and shall be a maximum 5 feet beyond the required turning radii and turnarounds as required in Section 1207.13(c)(9)(J) of the City of Hudson Land Development Code. The land used for the emergency access easement shall be constructed of a material, or in such a way, that it can support the load of the heaviest emergency vehicle owned by the City of Hudson.

#### 6.8 ACCESS EASEMENT (Ingress/Egress)

An access easement conveys the right of ingress and egress to a tract of land to someone other than the Owner. Access easements shall be a minimum width of 30 feet or as approved by the City.

#### 6.9 TRAFFIC SIGNAL EASEMENT

A traffic signal easement conveys the right to construct, maintain, readjust and relocate a traffic signal with all other necessary appurtenances (i.e. signal poles, mast arms, down guy assemblies, underground cables, etc.) outside regular roadway rights-of-way and includes the right of ingress and egress. A traffic signal easement which is parallel with the roadway shall be a minimum width of 10 feet or as approved by the City. Otherwise, a traffic signal easement shall be the size and shape as determined by the City to encompass all traffic signal appurtenances with sufficient room to allow for repairs and maintenance.

#### 6.10 LOOP DETECTOR/TRAFFIC CONTROL EASEMENT

A loop detector/traffic control easement conveys the right to construct, maintain, readjust and relocate loop detector wiring systems and traffic control devices (i.e., traffic signs, striping, pavement markings, etc.) outside regular roadway rights-of-way and includes the right of ingress and egress. The loop detector/traffic control easement width shall extend to a point 5 feet beyond the edge of the driveway on each side and a minimum of 10 feet beyond the loop detector wire or the furthest traffic control device behind the roadway right-of-way or as approved by the City. See Figure 6.10.1.

#### 6.11 ELECTRIC EASEMENT

An electric easement conveys the right to construct, maintain, readjust and relocate electric facilities (i.e., power lines, towers, substations, etc.) outside regular roadway rights-of-way and includes the right of ingress and egress. Electric easements shall be a minimum width of 30 feet or as approved by the City.

#### 6.12 EASEMENT BY PRESCRIPTION

For existing utilities and/or permanent structures which are outside of regular roadway rights-of-way and are not covered under an existing easement or fee title, the City may create an easement by prescription as per Section 2305.04 of the Ohio Revised Code. The width of each easement by

prescription is to be determined by the City. The City will be responsible for proper interpretation and application of the law for each individual case.

#### 6.13 TEMPORARY WORK EASEMENT

A temporary work easement conveys the right to enter and use the necessary working area outside regular roadway rights-of-way for completion of remedial work. This work, which does not require continuing maintenance, is needed in order to make the adjoining terrain, normally maintained by the property owner, conform to the new construction (i.e. grading or tying the proposed driveway into the existing). The temporary easement is not to be used for the storage of equipment or materials. The temporary easement begins at the breaking of ground for construction and terminates when the proposed work has been completed and accepted. A temporary easement requires a legal description, is appraised and can be acquired through eminent domain. A temporary easement shall be a minimum width of 10 feet or as approved by the City. If additional area is required, the temporary easement shall be a minimum of 5 feet outside the limits needed to complete the work or as approved by the City.

#### 6.14 WORK AGREEMENT

A work agreement, similar to a temporary work easement, conveys the right to enter and use the necessary working area outside regular roadway rights-of-way for completion of incidental work, including connecting drives and grading. Unlike a temporary work easement, a work agreement does not require a legal description, is not appraised, and cannot be acquired through eminent domain. The work agreement is not to be used for the storage of equipment or materials. The work agreement begins at the breaking of ground for construction and terminates when the proposed work has been completed and accepted. A work agreement shall be a minimum width of 10 feet or as approved by the City. If additional area is required, the work agreement shall be a minimum of 5 feet outside the limits needed to complete the work or as approved by the City.

## II. RIGHTS-OF-WAY

### 6.15 WARRANTY DEED

A warranty deed conveys fee simple title to be used for permanent roadway rights-of-way. The property owner transfers all rights and interests in the land, with the exception of the right of ingress and egress to and from the residual area, which is retained. Subdivisions of land which will create newly established roadway rights-of-way shall be warranty deed as per Section 1208.02 of the City of Hudson Land Development Code. The widths of newly established roadway rights-of-way shall be as per Section 1207.13 (b)(1)(c) of the City of Hudson Land Development Code. For improvement projects along existing roadway rights-of-way which will require additional permanent roadway right-of-way, the City shall determine whether the additional permanent roadway right-of-way is to be acquired as Warranty Deed or as Roadway Easement (which is discussed in Item 6.16). The width of additional permanent roadway right-of-way shall be determined by the City for each improvement project.

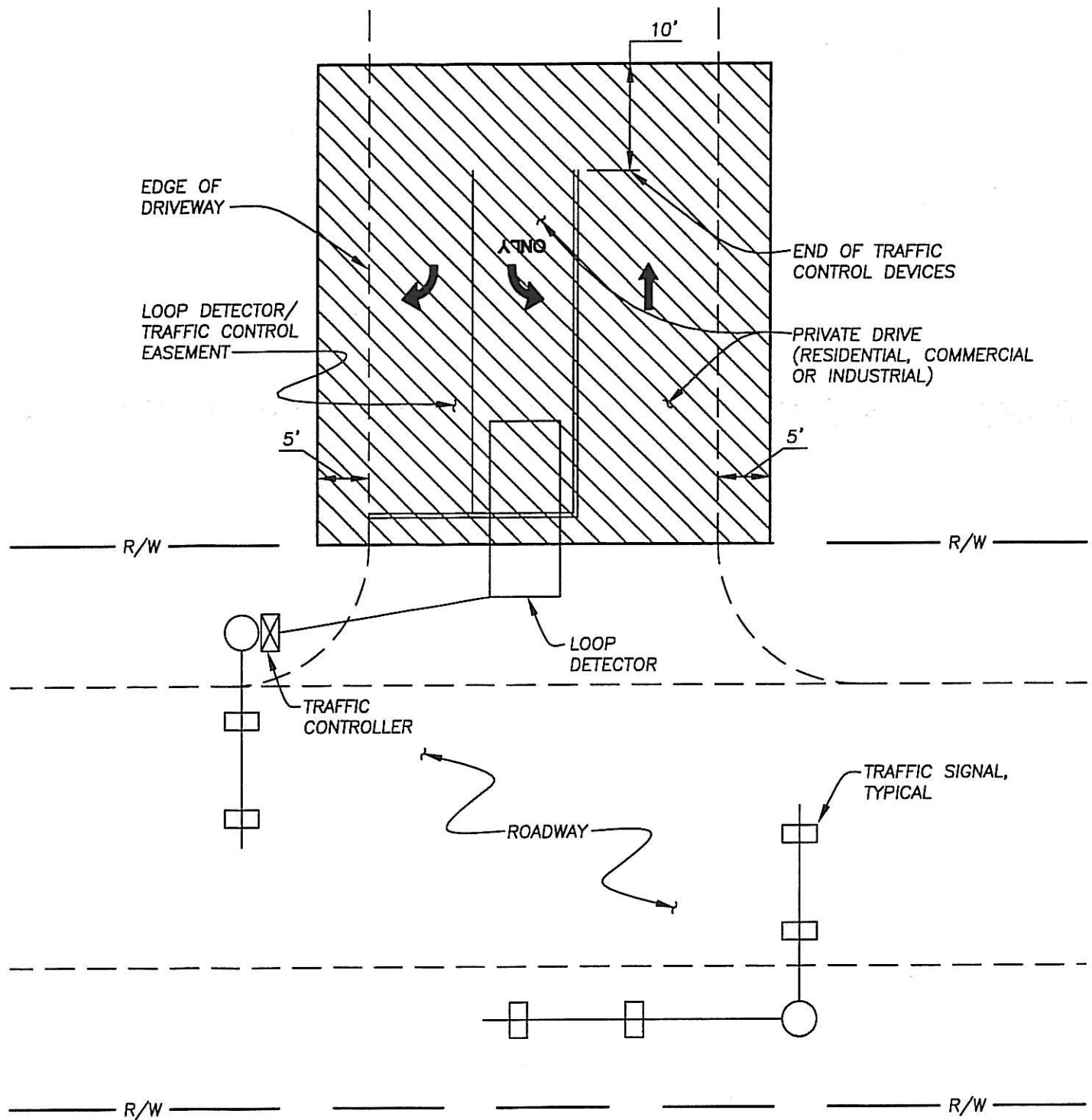
### 6.16 ROADWAY EASEMENT (Permanent Roadway Right-of-Way)

A roadway easement conveys, in perpetuity, the right to construct and maintain a roadway facility on the land of the fee holder. The property owner retains the underlying fee. In addition to the roadway elements covered (pavement, shoulders, sidewalks, etc.), a roadway easement also carries with it the right to construct, maintain, readjust and relocate public utilities within the right-of-way. Roadway easement shall not be used for newly established roadway rights-of-way. They are to be used only when fee simple title is not practical (i.e. bridge projects on roadways that occupy existing roadway easement right-of-way). The width of additional permanent roadway right-of-way shall be determined by the City for each improvement project.

### 6.17 TEMPORARY ROADWAY EASEMENT (Used for temporary roads and cul-de-sacs)

A temporary roadway easement conveys the right to construct and maintain a temporary roadway facility and/or temporary cul-de-sac on the land of the fee holder. The property owner retains the underlying fee. The widths of temporary roadway easements for a temporary cul-de-sac shall be as per Section 1207.13 (c)(3) of the City of Hudson Land Development Code or as approved by the City. The widths of temporary roadway easements for temporary roads shall be as per Section 1207.13 (b)(1)(c) of the City of Hudson Land Development Code or as approved by the City. The temporary roadway

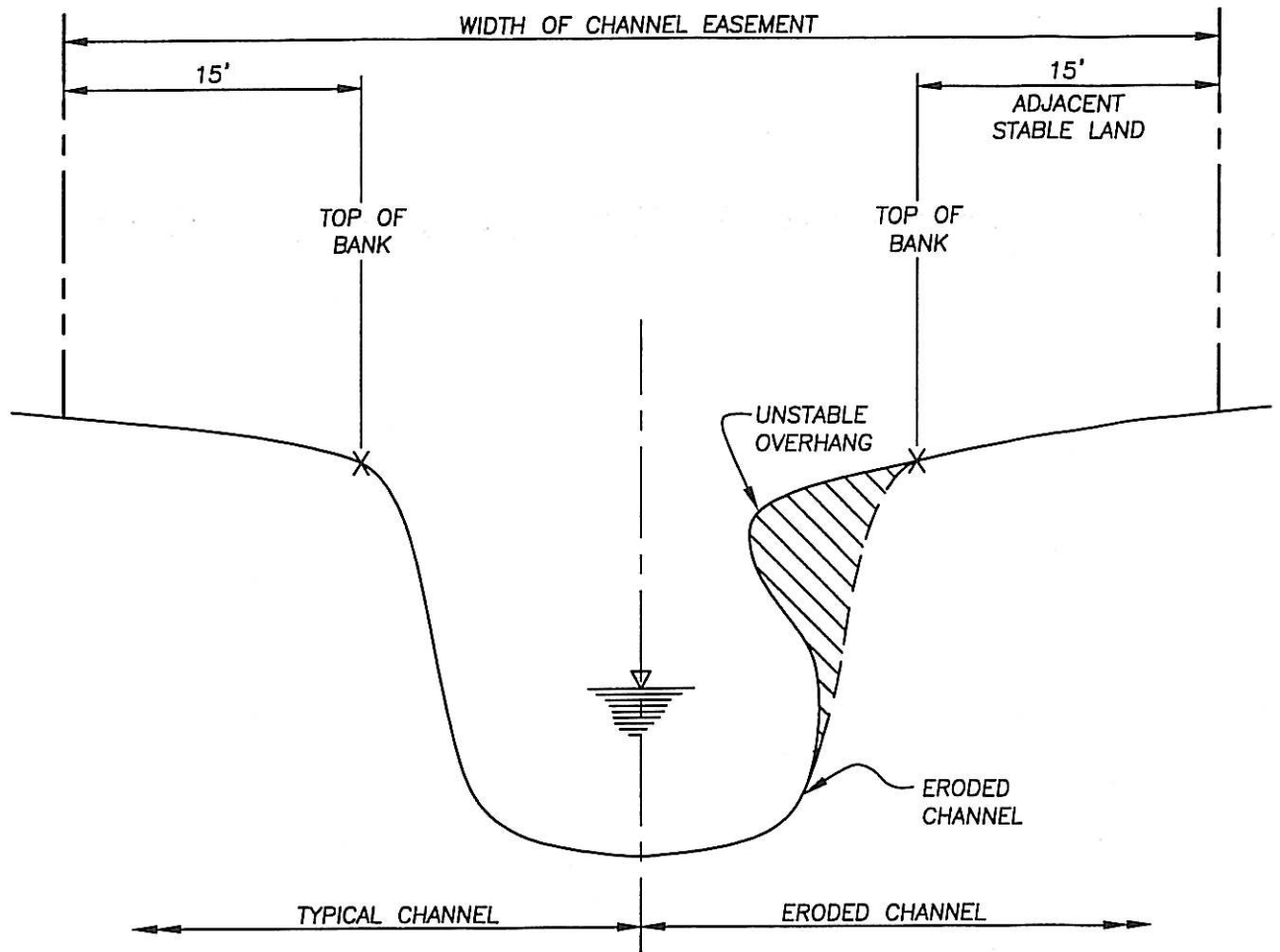
easement is to be abandoned after the removal, extension, or completion of the temporary roadway facility and/or temporary cul-de-sac and the land shall revert back to the respective property owners.



LOOP DETECTOR/TRAFFIC CONTROL EASEMENT

NO SCALE





CHANNEL EASEMENT

NO SCALE