Ownership Types

General Principles

• Easements

• Right of Way

HOW THEY APPLY TO LAND ACQUISITION
Bundle of Rights

Air

Surface

Subsurface
Easement

- Right or privilege
- Not ownership
- Use of property owned by second party
- Specific purpose.
- Acquire only certain rights of the bundle of rights
Easement Types

- **Public Easements**
  - Public entity

- **Private Easements**
  - Two or more private entities
Drainage Easement
Drainage Easement
Storm Sewer Easement
Detention/Retention Easement
Utility Easement
Utility Easement
Access Easement
Natural Easement
Street Light Easement
Creation of Easements

- Plat Dedication
  - Prescription
  - Necessity
Termination of an Easement

• Created by Plat or Deed
  • Deed of release
Termination of Easement

• Creation Type
  • Prescription
  • Necessity

• Termination Equals
  • Abandonment
  • Overburdening
Section 2

• Surveyor bound by more stringent standard of practice

• Standard established by
  • Agency
  • Owner
  • Contract
  • Professional Land Surveyor
Sample Plat Note

- Previous Application to Property
  - Easements
  - Conditions
  - Restrictions
    - Written or Unwritten

- Remains in effect, still applies
Descriptions for Easements

- **Description**
  - Ties to existing parent property corner
  - Easement becomes traceable for future

- **Describe by metes and bounds**
  - Perimeter
  - Centerline
Easement Comments or Questions?
What is a Right of Way?

- Fee simple ownership
- All ownership rights are acquired
Creation of Rights of Way

- Dedication by plat
- Acquired by deed
- Created by prescription or necessity
ROW Termination

- Created by deed or plat
  - Termination = deed

- Created by prescription or necessity
  - Termination = reverts to original owner when ROW abandoned
Types of Right of Way

- Public
  - Public use

- Private
  - Use by private companies with eminent domain rights
Sanitary Sewer Pump Station
Pedestrian Bridge
Power Sub-Station
Water Tank Supply
Right of Way vs. Easement

- **Right of way**
  - Public acquisition plat
    - Meets the land surveying minimum standards

- **Easement**
  - Shown on plat
    - Acquired by deed
PLATS: ROW Acquisition vs. Subdivision

• Public acquisition plats
  • Parcel sizes less than the minimum lot size required for a subdivision plat

• Subdivision plats
  • Parcels sizes are dictated by local Planning and Zoning
Does a Public Acquisition plat require a boundary survey?

• YES
Interpretation of Surveying Standards for Right of Way
Plat Mandatory

- Retraced boundary survey
  - Newly boundary line
- Previously established boundary line
- By Professional Land Surveyor
“Partial Survey” Language

• Severance of lot or tract from parent tract
  • Partial survey?
  • Not a partial survey?
What is a Partial Survey

The survey of some portion of the boundary of an existing parcel.
Field Survey for Design Plans

- Contents of
  - Plan sheets (design plans)
  - Summary sheets
Field Surveying for Design Plans

- **Plan sheet contents**
  - Existing easements
  - Existing Rights of Way
  - Proposed easements
  - Proposed Rights of Ways
  - Landscaping
  - Structures
  - Fences

Anything in construction area
Field Surveying for Design Plans

- **ROW summary sheets**
  - Included with all plan

- **Contents**
  - Owner Name
  - Recording/Research Documents
    - DB/PG
    - Will Book
    - Plat
    - Chain of Title
Common Mistakes

• Assumptions
  • Two adjoining properties
  • Owned by same person

= Assumption of Consolidation

DON’T MAKE THE ASSUMPTION!
  • Only done via consolidation plat