



TOWNWIDE UNDERGROUNDING OF UTILITIES

FREQUENTLY ASKED QUESTIONS: RIGHT-OF-WAY AND UTILITY EASEMENTS

KEY POINTS TO CONSIDER:

- Within the Town of Palm Beach, the Public Right-of-Way generally extends onto the grass, beyond hedges and landscaped areas adjacent to the street in front or alongside your property boundary.
- If your property abuts a rear alley, the Right-of-Way may also exist along your rear property boundary.
- Existing utility easements allow a utility the right to use and access specific areas of another's property to install and maintain utilities.
- The Town may request a new utility easement on your property to facilitate the undergrounding of utilities project.
- Easements and Public Right of Ways are necessary to permit efficient delivery of utility services and keep the costs of installing infrastructure down.
- Easements may result in certain restrictions on land use within the area covered by the easement.

WHAT IS THE RIGHT-OF-WAY?

The "Right-of-Way" means the area on, below, or above a public roadway, highway, street, greenspace, sidewalk, alley, or waterway in which the municipality has ownership and interest.

The Right-of-Way is an easement for public travel and other purposes such as installation of utilities. Municipalities have broad authority to manage and regulate the Right-of-Way not limited to improvement, maintenance, protection and beautification. Improvements a property owner has made within the Right-of-Way may be subject to modification or removal by the Town.

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HOW IS THE TOWN'S RIGHT-OF-WAY USED?

Within the Town of Palm Beach, the Public Right-of-Way generally extends beyond existing planted hedge lines and grass areas, which are adjacent to the street and property boundaries.

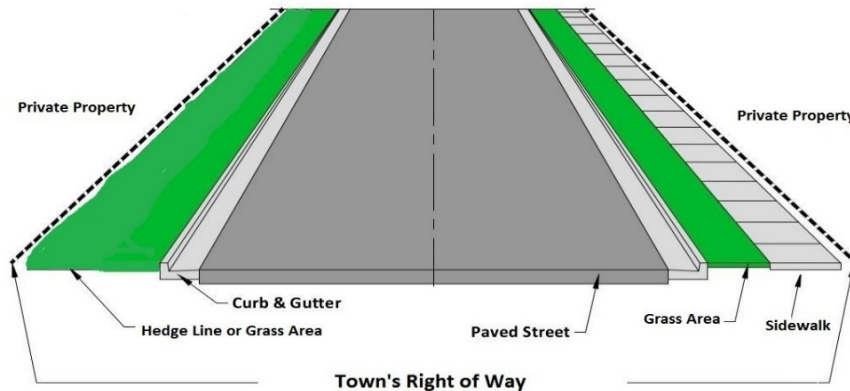


Figure 1: Example of Right of Way

During the undergrounding of utilities project, the Town may determine equipment placement is required within the Right-of-Way and without the adjacent property owner's specific permission, may elect to restrict, adjust or remove improvements such as hedges, hardscape or grass to facilitate installation of utility equipment.

The Town will attempt to notify adjacent property owners in advance of construction activities within the Right-of-Way such as required landscape modification and type of equipment to be installed. The Town always makes an effort to install equipment in the Right-of-Way in a manner that minimizes costs and aesthetic impact while achieving the technical requirements for the project.

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WHAT IS A UTILITY EASEMENT?

A utility easement permits utility owners and the Town the right to use parts of land you own to install and maintain utility equipment. Utility easements may exist on a parcel prior to purchase or may be granted by the current owner of the property. Utility easements exist on many properties connected to public or private power grids, communications services, gas services, sanitary sewer and water services.



Figure 2: Example Easement on Private Property (before landscaping)

To facilitate the undergrounding of utilities project, the Town may determine equipment placement is desired on private property and request a voluntary easement from the owner.

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WHAT IS A PLATTED UTILITY EASEMENT?

The developer or builder for utility services created a platted utility easement when the property was originally planned and mapped as individual parcels for sale to the public. The utility easement areas were designated on individual parcels for use by service providers for the purpose of delivering electric, communications, sewer, gas and water. Various combinations of utility services may be contained in parallel within a single easement area.

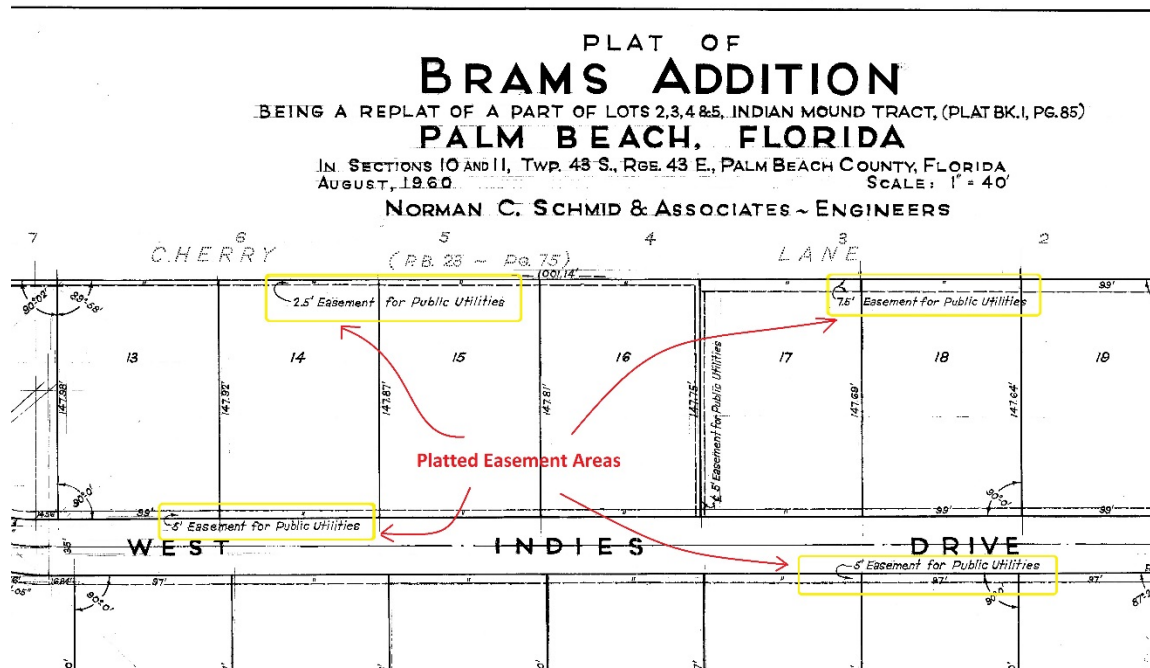


Figure 3: Example of Platted Easement

During the undergrounding of utilities project, the Town may determine equipment placement is required within a platted or existing utility easement. The Town will always attempt to notify the property owner in advance of equipment placement and other construction activities within the easement area. The Town always makes an effort to install equipment in the easement in a manner that minimizes costs and aesthetic impact while at the same time achieves the technical requirements for the project.

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WHY ARE UTILITY EASEMENTS NECESSARY?

Utility easements are necessary for the benefit and well-being of the public. They allow essential utility services to be provided to the community by either a government, a public company, or a private organization. Easements and Rights of Way allow utility owners to construct and maintain utility infrastructure necessary for the community in an organized and efficient manner.

DO EASEMENTS AFFECT THE USE OF PRIVATE PROPERTY?

Utility easements restrict the land use to the terms stated within the easement agreement. The utility owner may only use the easement to install and maintain utility infrastructure supporting the community such as placing equipment and underground lines. A property owner must typically refrain from installing large trees or constructing permanent structures such as privacy walls within the specified easement area.

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