

Policy Number: 4.10.0

Title: Easements

Introduction:

This policy has been developed to establish the District's policy with regards to the disposition of easements for which the District is the beneficiary or where the District is asked for an easement across its lands.

Ends:

With respect to easements for which the District is the beneficiary:

1. The Board of Directors has determined that any easements which benefit the District shall be kept intact and without diminishment.
2. If the owner of land to which an easement benefiting the District is attached wishes to, in any way, diminish these rights associated with the easement by the District, the Owner shall be required, as a minimum to provide the District with adequate compensation for the diminishment of that right. It shall be at the sole discretion of the Board of Directors to determine the adequacy of any proposed compensation.
3. At no time shall the Board of Directors be bound to consider only compensation as a factor in its decision. Existing and/or potential future need may be the most dominant determining factor in its decision. In this case, compensation, in any amount, may not justify the diminishment of the District's rights and may therefore not be considered at all.
4. If there are existing District facilities within the easement, encroachment will be considered on a case by case basis.
5. If there are no existing District facilities within the easement:
 - a. Encroachment will be considered only if the requesting property owner is willing to pay for potential future costs associated with realignment of future facilities outside of the existing easement or to otherwise accommodate the encroachment. The potential costs will be estimated by District staff.
 - b. Abandonment will be considered only if the District determines that there is no reasonable expectation of use of the easement in the future.

With respect to easements which the District is asked to grant across its lands:

1. Easements requested across District lands shall be considered on a case by case basis.

Responsibility:

The Board of Directors shall be responsible for the implementation of this policy.