EASEMENTS
EASEMENTS

- Easements, both temporary and permanent, are specific as to use and cannot be utilized for a purpose other than what is specified. An easement area purchased to construct and maintain roadway slopes cannot be used to place a drainage facility or a sidewalk. Thus all intended uses of the easement must be specified.

- If multiple uses are intended to occupy the same acquisition area, the easement titles may, with approval, be combined in the parcel description. However, combining easements should not be done without careful consideration of what the result would be. If an easement is needed at a specified location, such as for a sign, or traffic control facility, and falls within another larger easement, such as slopes, then it is best to separate these two easements into separate parcels. Combining the easements encumbers the area with all the listed uses and a higher cost of acquisition. Also avoid attempting to combine easements that have similar uses. For example, most easements include access over and across the area so it is not necessary to combine an access easement with another easement that allows access. The writer shall contact Right of Way Headquarters and the Right of Way Engineering Group in Geometronics for advice on combining any easements with the exception of slopes and utilities. These easements may be combined without prior approval.
EASEMENTS

• Temporary easements are limited to a specific period of time and automatically extinguish at the end of the period. All temporary easement titles in the description shall include the phrase (3 years or duration of Project, whichever is sooner). This phrase gives a maximum time period of the easement (3 years) while allowing the easement to extinguish if the project duration is less and the easement is no longer needed. If it is known that the duration of the project will be greater than or less than 3 years, then this maximum time period may be lengthened or shortened as appropriate. However, the longer that the easement will be in effect, the greater the appraised value of the easement will be.

• Temporary and permanent easements cannot be combined and must be written as separate parcels.
EASEMENTS

• The easement types approved for use in ODOT descriptions and deeds are grouped in the following categories: Roadway, Access, Structural, Traffic and Utility, Riparian and Hazardous Materials. Each category contains both permanent and temporary easements. If an easement is allowed to be acquired both as permanent or temporary it is noted.

• These easements cover most of the uses that would be required for a typical project and every attempt should be made to utilize the easements on this approved list. The approved easement list in the Right of Way Engineering Manual contains the approved uses for each easement.

• Under no circumstances should a writer modify an easement title by either adding to or deleting from the title. Easements have Department of Justice approval and if the easement title is modified except as specified above, it will be rejected by Right of Way Headquarters and come back to the writer for a revision and possibly delaying the project. THIS IS NOT NEGOTIABLE.

• If for any reason an easement is required that does not appear on this list, submit the proposed easement title and intended use to Salem Headquarters for approval. As mentioned previously, slopes and utilities can be combined without prior approval from Headquarters. The contact information for submitting requests for easement changes is:
EASEMENTS

- Eddie Burton
- Lead Contracting/Agreements Coordinator
- Right of Way Section
- 503.986.3641
- edna.BURTON@odot.state.or.us

- Mike Fallert, PLS
- Lead Right of Way Surveyor
- Engineering Automation Section
- Geometronics Unit/Right of Way Engineering Group
- 503.986.3672
- Michael.FALLERT@odot.state.or.us
ROADWAY EASEMENTS

• Permanent Easement for Highway Right of Way Purposes
• Permanent Easement For Slopes *
• Permanent Easement For Sidewalk
• Permanent Easement For Slide Correction
• Permanent Easement For Sub Surface Soil Stabilization
• Permanent Easement For Clear Zone
• Permanent Easement For Intersection Sight Distance
• Permanent Easement For Bicycle/Pedestrian Facility
• Temporary Easement For Work Area (3 years or duration of Project, whichever is sooner)
• Temporary Easement For Fill Material (3 years or duration of Project, whichever is sooner)
• Temporary Easement For Detour (3 years or duration of Project, whichever is sooner)
• Temporary Easement For Road Approach (3 years or duration of Project, whichever is sooner)
• Temporary Easement For Driveway/Road Approach Reconnection (3 years or duration of Project, whichever is sooner)
• Temporary Easement For Building Demolition (3 years or duration of Project, whichever is sooner)
• Temporary Easement For Turbidity Monitoring (3 years or duration of Project, whichever is sooner)

* May also be a temporary easement
This easement is most often combined with a permanent easement for water, gas, electric and communication facilities
EASEMENTS

• ACCESS EASEMENTS
  • Permanent Easement For Access Road *
  • Permanent Easement For Access *
  • Permanent Easement For Ingress and Egress

*May also be a temporary easement
EASEMENTS

- STRUCTURAL EASEMENTS

- Permanent Easement For (type of wall) Wall **
- Permanent Easement For Retaining Wall Supports
- Permanent Easement For Wall Maintenance
- Permanent Easement For Snow Fence *
- Permanent Easement For Snow Fence Maintenance
- Permanent Easement For Bridge Facility
- Permanent Easement For Bridge Maintenance
- Permanent Easement For Sign Bridge
- Permanent Easement For Guardrail Facility
- Permanent Easement For Rip Rap and Revetment
- Permanent Easement For Interpretative Sign Facility

* May also be a temporary easement
** Type of walls allowed are retaining, sound and privacy
TRAFFIC AND UTILITY EASEMENTS

- Permanent Easement For Traffic Control Facilities *
- Permanent Easement For Sign
- Permanent Easement For Illumination Facilities *
- Permanent Easement For Water, Gas, Electric and Communication Service Lines, Fixtures and Facilities **
- Permanent Easement For Overhead Electric and Communication Service Lines, Fixtures and Facilities ***
- Permanent Easement For Utility Pole *
- Permanent Easement For Anchor Pole *
- Permanent Easement For Irrigation Facilities *
- Permanent Easement For Landscaping
- Permanent Easement For Drainage Facilities *
- Permanent Easement For Sanitary Sewer Line Facilities
- Temporary Easement For Drainage Ditch (3 years or duration of Project, whichever is sooner)

* May also be a temporary easement
** This easement is usually combined with a permanent easement for slopes
*** Both overhead and underground utilities and their appurtenances are allowed with this easement
**** This easement is intended to be used when only overhead utilities are to be allowed
EASEMENTS

• CONSERVATION AND RIPARIAN EASEMENTS
  • Permanent Easement For Riparian/Flood Plain Enhancement
  • Permanent Easement For Water Flow
  • Permanent Easement For Wetland Mitigation
  • Permanent Easement For Channel Change *
  • Permanent Easement For Fish Mitigation (Passage)
  • Permanent Easement For Wildlife and Vegetative Habitat Conservation

• HAZARDOUS MATERIALS EASEMENTS
  • Temporary Easement For Hazardous Materials Remediation (5 years or duration of Project, whichever is sooner)

* May also be a temporary easement