

How Much Do You Know About Your Property?

How about...

What is an easement?

An easement is a grant made by a property owner of the right to the use of a specified strip of land by a public agency or franchise utility provider for a specific purpose.



This means that fences and fence posts, elevated planting beds, sheds, dog runs, etc. should not be placed in a platted drainage easement. Even yard waste can obstruct the flow of stormwater runoff.

What do drainage easements look like?

A rear yard drainage easement could be a grassy swale, a grass lined ditch, a concrete flume or ribbon or a full drainage channel in your backyard. All of these are designed to carry rear yard runoff to a public collection system. Property owners are responsible for maintaining the drainage easement area.

What is the purpose of an easement?

When lots are platted, or created by the developer before homes are built in a residential subdivision, easements are dedicated for utility and drainage purposes. Easements are needed for draining water (stormwater runoff) and installing utilities such as water, sewer and storm sewer lines, gas lines, and buried phone, electric and cable lines. Easements also sometimes serve as protective buffers for environmentally sensitive areas.

How do I find out if and where I have a drainage easement on my lot?

You can come to the Engineering Division of the Public Works Department in Room 205 of the City-County Building and obtain a copy of the plat map for your subdivision. You can also check your mortgage survey or an individual survey of your property to see if there are any drainage easements on your property.

When public utilities or drainage facilities need to be inspected or maintained, easements allow authorized personnel to access the area without obtaining prior approval from the property owner.

What happens if my neighbor places a fence or other structure in a drainage easement?

If the obstruction is brought to the City Engineer's attention, he can order the structure to be removed from the drainage easement. All improvements placed within an easement are placed there at the property owner's risk. They can be removed if they interfere with the function of the easement.

How is the use of easement areas restricted?

Salina's City Code prohibits property owners from altering drainage easements by landscaping or building structures on them that obstruct the flow of water, that change the way the water was designed to flow, or restricts access within the easement area. Section 42-63 of the City Code restricts use of the drainage easement areas as follows:

Who do I contact with questions or concerns?

You may contact the Engineering Division at 309-5725.

"No property owner may construct, maintain or allow any natural or nonnatural structures or vegetative barriers (including but not limited to trees, shrubbery, berms, fences, walls or pole signs) within any drainage easement dedicated, purchased or otherwise granted to the public which the City Engineer finds obstructs, impedes, or otherwise interferes with the drainage of storm water. Drainage easements shall not be filled or otherwise physically altered without the written approval of the City Engineer."

What is...

RIGHT OF WAY?

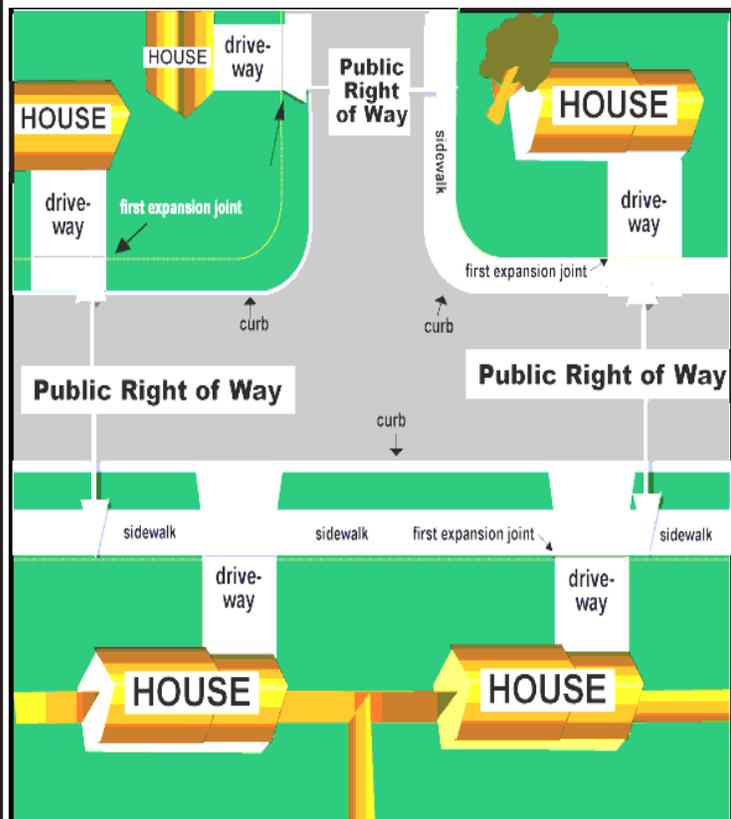
When property is platted and developed, property owners dedicate part of the land to the public as "right-of-way" for streets, sidewalks, utilities, fire hydrants, traffic signs and similar public uses. Mailboxes are also located within the

street right-of-way. Right-of-way is publicly owned with title usually held by the City. No advertising signs, fences or structures of any kind may be placed in the public right-of-way. It is reserved for public uses.

Right-of-way includes more than the paved surface of the street. In Salina, the typical right-of-way width of a residential street is 60 feet and the typical paving width of a street is 33 feet from back of curb to back of curb. That means that on a typical residential street there is 13 feet behind the curb that is public right-of-way before you reach your front property line. Some streets have sidewalks and some do not. A good rule of thumb is that the area from the back expansion joint in a driveway to the street curb is part of the right-of-way. Private property ownership begins behind the right-of-way.

What is the difference between right-of-way and an easement?

When a property owner dedicates right-of-way, ownership of that land transfers to the City. When a property owner dedicates an easement, they maintain ownership and control of the underlying land but use of that land is restricted and reserved for some specific purpose, usually installation of utilities (water, sewer, electric, gas and / or phone lines).



Typical Right of Way Illustration

A Property Owner's Responsibility

Property owners are responsible for maintaining the right-of-way next to their property, including mowing the planting strip between their front lot line and the street and trimming trees, shrubs and other vegetation which obstruct visibility or overhang streets or sidewalks.

Property owners are also responsible for maintaining the public sidewalks adjacent to their property. This includes the prompt removal of snow and ice from the sidewalks after a snowstorm. It also includes the repair of cracks or uneven walks that could pose a safety hazard to pedestrians.

If you have further questions, please contact the Engineering Division at (785) 309-5725, or Dean Andrew, Director of Planning and Community Development at (785) 309-5720. Please visit our website for past issues of *In Touch* articles as well as a wealth of helpful information. Our website is: www.salina-ks.gov

Typical Easement Illustration

