



APPROVED EASEMENT LIST

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. 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 longer than 3 years, then this maximum time period may be lengthened. 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.

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. Some easements may be acquired as both permanent or temporary and are noted as such. The specific easement title is shown in bold text. Below the title are listed the allowed uses of the easement followed by any qualifying information.

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:



APPROVED EASEMENT LIST

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APPROVED EASEMENT LIST

ROADWAY EASEMENTS

Permanent Easements

Permanent Easement for Highway Right of Way Purposes

Allowed Uses: To construct, reconstruct, repair, and maintain a public highway and its appurtenances and facilities, and also to construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under and across the property.

Note: This easement acquires all rights necessary for highway uses but does not acquire the underlying fee of the property and is used in lieu of a total fee take. It is mainly used for railroad encroachments, or takes along county roads where the County requires an easement instead of fee.

Permanent Easement For Slopes

Allowed Uses: To construct and maintain slopes.

Note: This easement may also be temporary (see Temporary Easements). This easement can be combined with the easement for water, gas, electric and communication service lines, fixtures and facilities.

This easement is for the use of slopes supporting the roadway and does not allow temporary construction of other facilities such as road approaches. Use specific easements for other uses.

Permanent Easement For Sidewalk

Allowed Uses: To construct a public sidewalk.

Permanent Easement For Slide Correction

Allowed Uses: To enter upon, take, move, remove, and dispose of earth, sand, rock or other materials and for the purpose of correcting and eliminating present or future slide conditions, installing drainage facilities, stabilizing slopes, and preventing further slides.

Permanent Easement For Sub Surface Soil Stabilization

Allowed Uses: To enter upon, take, move, remove, and dispose of earth, sand, rock, or other materials, and for the purpose of correcting and eliminating present or future unstable soil conditions, installing drainage facilities, stabilizing soils, and preventing further unstable soil conditions.

Permanent Easement For Clear Zone

Allowed Uses: To enter upon and remove, trees, brush and other obstacles in order to provide a safe recovery area for vehicles which leave the traveled roadway.



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Permanent Easement For Intersection Sight Distance

Allowed Uses: For improving the sight distance for vehicles traveling on the highway.

Note: This easement will be granted with the following conditions and restrictions:

1. Landscaping, grass, brush, trees and other improvements on the easement area will not exceed 6" height, except for utility poles.
2. Grantee shall have the right to keep the easement area clear of any landscaping, grass, brush, trees and other improvement over said 6" height limitation, but shall not be obligate to do so.
3. Grantor(s) shall be allowed to use said easement area for landscaping and other purposes provided that nothing will be placed thereon which will exceed 6" height limitation.

The 6" height limitation may be adjusted by the project team.

Permanent Easement For Bicycle/Pedestrian Facility

Allowed uses: To construct and maintain a bicycle/pedestrian facility for the use of non-motorized bicycles and pedestrian foot traffic only.

Note: If the bicycle/pedestrian facility is to be temporary for use during the course of a construction project use Temporary Easement for Detour

Temporary Easements

Temporary Easement For Work Area (3 years or duration of Project, whichever is sooner)

Allowed Uses: For construction purposes during a project.

Temporary Easement For Slopes (3 years or duration of Project, whichever is sooner)

Allowed Uses: To construct and maintain slopes.

Note: This easement may also be permanent (see Permanent Easements).

Temporary Easement For Fill Material (3 years or duration of Project, whichever is sooner)

Allowed Uses: To enter upon the described property for the purpose of placing fill material in connection with a project.

Temporary Easement For Detour (3 years or duration of Project, whichever is sooner)

Allowed Uses: For the construction or make available a detour road for public travel.

Note: This easement may be restricted to bicycle/pedestrian use only.

Temporary Easement For Road Approach (3 years or duration of Project, whichever is sooner)

Allowed uses: For the construction, operation and maintenance of a road approach.



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Temporary Easement For Driveway/Road Approach Reconnection (3 years or duration of Project, whichever is sooner)

Allowed Uses: To reconnect the new road profile to the current driveway or road approach.

NOTE: Boiler plate language that this easement is short term and intended for ADA type projects. If project is full rebuild etc. use standard "Road Approach" easement.

*"IT IS UNDERSTOOD that the temporary easement rights herein granted shall terminate three (3) years from the date hereof or upon completion of the State of Oregon Department of Transportation's construction project, whichever is sooner, however, the actual construction period of use of the easement is not to exceed a period of **thirty consecutive days** within the three year time period."*

Temporary Easement For Building Demolition (3 years or duration of Project, whichever is sooner)

Allowed Uses: For the demolition of a structure and removal of debris from the property described.

Temporary Easement For Turbidity Monitoring (3 years or duration of Project, whichever is sooner)

Allowed Uses: For access to stream for turbidity monitoring and removal of natural vegetation necessary to conduct the monitoring.

ACCESS EASEMENTS

Permanent Easements

Permanent Easement For Access Road

Allowed Uses: To construct and maintain an access road over and across the property described.

Note: The access road that is constructed within the permanent easement becomes a public road.

If the easement is to be temporary, the access road can be eliminated after the easement expires.

This easement may also be temporary (see Temporary Easements).

Permanent Easement For Access

Allowed Uses: For access over and across the property described.

Note: This easement only allows the right to access over and across the property, and may be restricted to just foot traffic. If the easement is along an existing private roadway, it does not grant any construction or maintenance rights.

This easement may also be temporary (see Temporary Easements).

Permanent Easement For Ingress and Egress

Allowed Uses: To cross another property to access public right of way.



APPROVED EASEMENT LIST

Temporary Easements

Temporary Easement For Access Road (3 years or duration of Project, whichever is sooner)

Allowed Uses: To construct and maintain an access road over and across the property described. Note: The Access road that is constructed within the permanent easement becomes a public road. If the easement is to be temporary, the access road can be eliminated after the easement expires.

Note: This easement may also be permanent (see Permanent Easements).

Temporary Easement For Access (3 years or duration of Project, whichever is sooner)

Allowed Uses: For access over and across the property described. Note: This easement only allows the right to access over and across the property, and may be restricted to just foot traffic. If the easement is along an existing private roadway, it does not grant any construction or maintenance rights.

Note: This easement may also be permanent (see Permanent Easements).

STRUCTURAL EASEMENTS

Permanent Easements

Permanent Easement For (type of wall) Wall

Allowed Uses: For the construction, maintenance of wall and footings.

Note: The type of walls allowed for this easement are retaining, sound and privacy.

Permanent Easement For Retaining Wall Supports

Allowed Uses: For the construction and maintenance of sub-surface tie backs for retaining wall footings.

Permanent Easement For Wall Maintenance

Allowed Uses: Access over and across the property described to maintain a wall.

Note: This easement is used only when the retaining, sound or privacy wall is constructed entirely upon ODOT right of way but access is required across the abutting property to maintain the wall.

Permanent Easement For Snow Fence

Allowed Uses: For the installation and maintenance of a snow fence and appurtenances.

Permanent Easement For Snow Fence Maintenance

Allowed Uses: Access over and across the property described to maintain a Snow Fence.

Note: This easement is used only when the snow fence is constructed entirely upon ODOT right of way but access is required across the abutting property to maintain the wall.



APPROVED EASEMENT LIST

Permanent Easement For Bridge Facility

Allowed Uses: For the construction, maintenance, operation and replacement in, over and across State owned submerged and submersible land.

Note: This easement is rarely used in acquisitions from Division of State Lands. Easement of choice would be a Permanent Easement For Highway Right Of Way Purposes (see Roadway Easements)

Permanent Easement For Bridge Maintenance

Allowed Uses: For access over and across the property described to maintain a bridge facility and appurtenances.

Permanent Easement For Sign Bridge

Allowed Uses: For the construction, installation and maintenance of sign bridge and appurtenances.

Permanent Easement For Guardrail Facility

Allowed Uses: For the construction, installation and maintenance of a guardrail.

Permanent Easement For Rip Rap and Revetment

Allowed Uses: To construct and maintain rip rap and revetment.

Permanent Easement For Interpretative Sign Facility

Allowed Uses: For the construction, installation and maintenance of an interpretative sign facility and appurtenances.

Note: If the sign facility is not located adjacent to the highway right of way, a permanent access easement may also be needed.

Temporary Easements

Temporary Easement For Snow Fence (3 years or duration of Project, whichever is sooner)

Allowed Uses: For the installation and maintenance of a snow fence and it's appurtenances.

Note: This easement may also be permanent (see Permanent Easements).

TRAFFIC AND UTILITY EASEMENTS

Permanent Easements

Permanent Easement For Traffic Control Facilities

Allowed Uses: To install, operate, and maintain traffic control facilities, and its appurtenances, including traffic signal vehicle loop detectors, under, over, and across the property described.



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Permanent Easement For Sign

Allowed Uses: For the construction, installation and maintenance of Highway sign(s) and appurtenances.

Permanent Easement For Illumination Facilities

Allowed Uses: For the construction and maintenance of illumination facilities and appurtenances.

Permanent Easement For Water, Gas, Electric and Communication Service Lines, Fixtures and Facilities

Allowed Uses: To relocate, construct and maintain electric, water, gas and communication service lines, fixtures and facilities and appurtenances therefore, upon, over, under and across the property described.

Note: This easement is usually combined with a permanent easement for slopes (see Roadway Easements).

Permanent Easement For Overhead Electric and Communication Service Lines, Fixtures and Facilities

Allowed Uses: To relocate, construct and maintain overhead electric, and communication service lines, fixtures and facilities and appurtenances therefore, upon, over, and across the property described.

Note: This easement does not allow underground power or communication lines.

Permanent Easement For Utility Pole

Allowed Uses: For the installation and maintenance of a utility pole, and it's appurtenances.

Note: This easement may also be temporary (see Temporary Easements).

Permanent Easement For Anchor Pole

Allowed Uses: To construct and maintain an anchor pole, including guys and other supports over and across the property.

Note: This easement may also be temporary (see Temporary Easements).

Permanent Easement For Irrigation Facilities

Allowed Uses: To construct and maintain irrigation facilities upon the property described.

Note: This easement may also be temporary (see Temporary Easements).

Permanent Easement For Landscaping

Allowed Uses: To install, plant, remove and maintain landscaping.

Note: This easement may also be temporary (see Temporary Easements).



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Permanent Easement For Drainage Facilities

Allowed Uses: To construct and maintain a drainage facility on the property described.

Note: This easement also includes access across the property for the construction and maintenance.

Permanent Easement For Sanitary Sewer Line Facilities

Allowed Uses: To construct, reconstruct, operate, maintain, inspect and repair underground sewer line facilities and appurtenances.

Temporary Easements

Temporary Easement For Utility Pole (3 years or duration of Project, whichever is sooner)

Allowed Uses: For the installation, maintenance of Utility Pole and its appurtenances.

Note: This easement may also be permanent (see Permanent Easements).

Temporary Easement For Anchor Pole (3 years or duration of Project, whichever is sooner)

Allowed Uses: To construct an anchor pole for a temporary use, including guys and other supports over and across a certain property.

Note: This easement may also be permanent (see Permanent Easements).

Temporary Easement For Traffic Control Facilities (3 years or duration of Project, whichever is sooner)

Allowed Uses: For the installation, operation and maintenance of traffic control facilities, and its appurtenances, including traffic signal vehicle loop detectors, under, over and across the property.

Temporary Easement For Illumination Facilities (3 years or duration of Project, whichever is sooner)

Allowed Uses: For the construction and maintenance of Illumination Facilities and appurtenances.

Note: This easement may also be permanent (see Permanent Easements).

Temporary Easement For Irrigation Facilities (3 years or duration of Project, whichever is sooner)

Allowed Uses: To construct and maintain an irrigation facility.

Note: This easement may also be permanent (see Permanent Easements).

Temporary Easement For Drainage Facilities (3 years or duration of Project, whichever is sooner)

Allowed Uses: To construct and maintain a drainage facility. (Includes Access)

Note: This easement may also be permanent (see Permanent Easements).



APPROVED EASEMENT LIST

Temporary Easement For Drainage Ditch (3 years or duration of Project, whichever is sooner)

Allowed Uses: To enter upon the described property for the purpose of cleaning out and improving an existing drainage ditch.

CONSERVATION AND RIPARIAN EASEMENTS

Permanent Easements

Permanent Easement For Riparian/Flood Plain Enhancement

Allowed Uses: 1. To modify and/or preserve the property described to help reduce the effects of flooding. 2. To help protect the stream bank from erosion. 3. To help sustain fish populations. 4. To improve the ecological health of the stream and the riparian area by providing shade.

Note: This easement allows the uses in the discontinued “fish enhancement” “vegetation” and “riparian/flood plain” easements.

Permanent Easement For Water Flow

Allowed Uses: To drain and facilitate flow of varying amounts of water over and across the property described.

Note: This is essentially a “flooding easement”, defined by a water elevation contour, rather than bounds as they are normally described. This easement will probably be removed from the description upon condemnation proceedings.

Permanent Easement For Wetland Mitigation

Allowed Uses: For the preservation of the wetland and natural state of the property. This easement shall include the right to enter upon said easement area for the purpose of planting, digging, cleaning and performing such other activities as benefit wildlife and otherwise preserve the natural state of the easement area. The area cannot be dredged, filled, contaminated by any waste or toxic materials, or drained.

Permanent Easement For Channel Change

Allowed Uses: To change the channel of existing creek or waterway to facilitate a project.

Note: This easement may also be temporary (see Temporary Easements).

Permanent Easement For Fish Mitigation (Passage)

Allowed Uses: For the purpose of preserving and enhancing the fish habitat and fish passage.



APPROVED EASEMENT LIST

Permanent Easement For Wildlife and Vegetative Habitat Conservation

Allowed Uses: For the purpose of constructing, maintaining and implementing a conservation plan to conserve or enhance the property for the survival of fish or other living things including the right to manage the vegetation and wildlife on the subject property, including the right to plant, harvest, remove, clear, trim, or monitor the condition of any and all vegetation and wildlife.

Note: This easement is similar to a Wetland Mitigation easement, however it may only include non riparian areas.

Temporary Easements

Temporary Easement For Channel Change (3 years or duration of Project, whichever is sooner)

Allowed Uses: To change the channel of an existing creek or waterway to facilitate a project.

Note: This easement may also be permanent (see Permanent Easements).

HAZARDOUS MATERIALS EASEMENTS

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

Allowed uses: For the purpose of the installation, operation and maintenance of a subsurface hydrocarbon remediation system.

Note: System to be removed upon completion of remediation and site restored to original condition. The maximum duration of the easement (5 years) may be lengthened or shortened fit specific conditions of the site.