

## Limestone County Water & Sewer Authority

Description: Easement Acquisition Policy

Policy No.: 2007-11

Effective: July 27, 2007

Board Approved: July 26, 2007

Amended: May 24, 2012

### **PURPOSE**

The purpose of this policy is to ensure that all permanent utility easements are acquired in a fair and efficient manner. As a public entity whose goal is to serve the entire community, it is imperative that consistency and expediency are maintained with public health issues such as the timely availability of water & sewer service.

### **GENERAL**

This policy outlines the proper steps and parameters for determining the location of the easement, notifying the property owner, calculating the compensation, or delivering the necessary paperwork for acquisition through proper legal channels. No deviation from this policy is authorized without Board Approval.

1. The Engineer shall map the desired easement and forward same to the Attorney along with the name and track identification from the Tax Assessor's Office as to the owner of said property.

2. The Attorney will have title examined and will prepare the easement deed based upon title examination. If there are any liens or mortgages in regard to said property, the Attorney will also prepare the necessary partial releases of any liens or mortgages.

3. The Attorney will forward the easement deed to LCWSA for the staff of LCWSA to obtain proper execution of the easement deed. Once the easement deed has been executed, the Attorney will obtain the partial release of any liens or mortgages as to the real property. At no time will LCWSA pay any money to the owner of the property without the duly executed release of any liens or mortgages in regard to said property as to the real property being acquired by the LCWSA.

4. If landowner is unwilling to donate easement to the Authority, then LCWSA will offer .15 per square foot (sewer) or .15 per square foot (water), with the understanding that, if required by the holder of any lien or mortgage, that the proceeds will be paid to the holder of the lien/mortgage in order to obtain and record a partial release of the encumbrance. At no time will LCWSA pay any money to the owner of the property without the duly executed release of any liens or mortgages in regard to said property.

5. In the event LCWSA is able to obtain the execution of the easement deed, LCWSA will return to the Attorney the executed easement deed for the Attorney's review and appropriate recording in the Office of the Judge of Probate, Limestone County, Alabama. The

Attorney will also record in the Office of the Judge of Probate, Limestone County, Alabama, any required release(s).

6. The Attorney shall return to LCWSA for their records the recorded easement deed as well as any releases as to liens and/or mortgages.

7. If an easement has not been signed within 14 calendar days of receipt of the letter or if a lien holder fails to cooperate and/or execute a partial release within 30 days of the receipt of the signed easement deed from the owner, then the easement will be returned to the Board Attorney to initiate condemnation proceedings.