

UTILITY EASEMENTS TIMELINE



1. Alignment determined

CWS performs an alternatives analysis and determines the best location for the sewer after consideration of multiple factors, including public input. CWS sends information and a map of the alignment to the affected neighborhood.

2. Declaration of Necessity

CWS submits a Declaration of Necessity notifying the CWS Board of Directors of the need to obtain easements over certain properties for the purpose of constructing and maintaining public infrastructure. *If CWS is unable to successfully negotiate an easement or access for design with the property owner, the Declaration of Necessity allows CWS to utilize the condemnation process as a last resort. This process is not used when an easement agreement has been negotiated with a property owner.*

3. Request for permit of entry (POE)

CWS will need to gain entry to properties to conduct the topographic survey, geotechnical exploration and environmental survey necessary to design the project. CWS will send requests for permits of entry to impacted property owners. A CWS representative will follow up personally if the POE is not returned promptly.

File for petition for entry with the court (if necessary)

If property owners deny or do not respond to requests for permits of entry, CWS will file a petition with the Washington County District court for access. Property owners will receive notice of the court hearing and will have the ability to be present at the hearing.

4. Testing/design phase

Once entry has been granted (either voluntarily or through the court system) CWS will begin conducting the topographic survey, geotechnical exploration and environmental survey. During this phase CWS works with the property owner and makes every effort to minimize disturbance to the property.

Easement Acquisition: What you can expect to see

The steps below describe the timeline Clean Water Services (CWS) follows to obtain an easement over private property for a public sewer line.

As CWS moves through the easement process, this timeline will give you a general idea of what to expect during the design and construction of a new sewer.

An easement is an interest in land which entitles the grantee to use the land of the grantor for a specific purpose. It does not grant the right of ownership to the land but may put certain limitations on the use of the designated area. In Clean Water Services' case, easements are used to create a public benefit, such as installation and maintenance of sewer pipes or natural areas.

Some easements are permanent, authorizing the presence of permanent public infrastructure, while other easements are temporary, authorizing the use of the land for a limited time period.

The length of the easement acquisition process varies depending on the time needed for negotiation, surveys and testing and the complexity of the project. The process can range from six months to a few years.



EASEMENT ACQUISITION TIMELINE

5. Easement discussion

CWS will communicate with property owners throughout the process to discuss easement conditions, impacts to the property, easement valuation and other concerns that may need to be captured in the easement document. CWS works collaboratively with the property owner throughout the entire process.

6. Easement area finalized

When the design is complete, CWS will be able to define temporary and permanent easement areas and impacts to the property. A legal description of the easement areas will be drafted by a surveyor.

7. Appraisal completed

Once the precise location of the easement and impacts to the property are determined, the easement document and legal description will be provided to a neutral appraiser who will appraise the fair market value of permanent and temporary easements. The appraiser will send notice to the property owner at least fifteen days prior to conducting the appraisal.

8. Easement Negotiations

CWS will provide the completed appraisal and final easement document to the property owner. The property owner will be given the opportunity to raise any concerns about conditions of the easement and the fair market value calculated by the appraiser. CWS will negotiate with the property owner and attempt to reach a fair resolution of all matters until approximately three months prior to needing access for construction.

Forty day letter sent (if necessary)

If CWS and the property owner cannot reach an agreement for the easement after approximately 4-6 weeks from the presentation of the appraisal and final easement document, CWS will send a formal offer letter. This letter will include the easement document and appraisal. The formal offer allows the property owner forty days from date of receipt to respond to the offer before any other steps are taken.

File with court for immediate possession (if necessary)

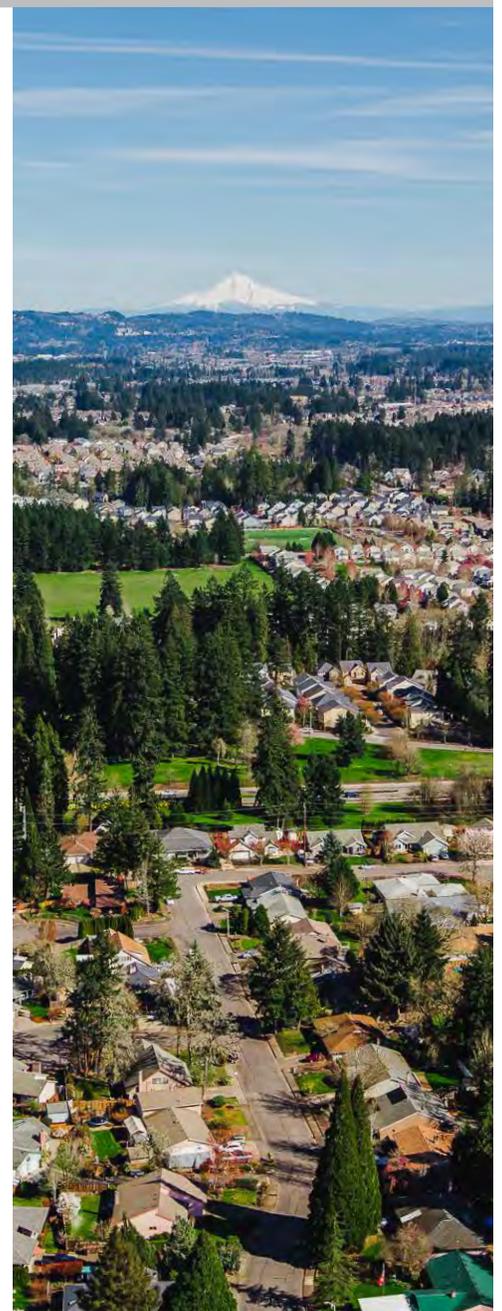
If CWS and the property owner cannot reach agreement over the fair market value and terms of the easement, CWS will file with the court requesting immediate possession and for the easement to be granted at the value given in the final offer. The property owner will receive notice of this request and have ten days to request a court hearing. Once the ten day period ends, the court will sign an order granting immediate possession to CWS, which allows CWS to access the property and begin construction. If fair compensation is in question, determination of fair market value of the easement will be determined in court through a trial at a later date.

9. Construction begins

Once possession of the easement is granted, CWS will have the ability to enter the property and construct the sewer. CWS will continue to be in contact with property owners regarding the construction schedule and will work with property owners to minimize construction impacts.

10. Restoration

CWS will restore property to pre-existing conditions and adhere to any conditions agreed to during the easement negotiation. CWS will also work with interested property owners on voluntary environmental enhancement opportunities in the natural resource corridor.



Everything we do at Clean Water Services aims to protect public health while enhancing the natural environment of the Tualatin River Watershed.

Clean Water Services

CONVEYANCE ENGINEERING SERVICES

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