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Building Line and Easement Reference Guide

BUILDING LINES:

- Set/created by Planning and Zoning
 - setbacks and side yard requirements are typically assigned by property zoning as determined by the lot size
- Assist in creating an aesthetically appealing look to a subdivision
 - keeps homes at a uniform distance from the street and property lines
- If a home is located over a building line, a variance may be needed, specifically if the home is 2 years old or newer

EASEMENTS: An interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific limited. May last forever, but it does not give the holder the right to possess, take from, improve, or sell the land.

- What that means is...
 - Property owner OWNS the land, they maintain it and they pay taxes on it
 - Someone else (like a utility company) is allowed to use the easement area
 - Property owner can NOT interfere with access to the easement
 - Should not build anything permanent in nature in the easement as they run the risk of having to remove the item at their expense
- Common Easement uses:
 - Utility Companies for utility lines
 - Private use such as maintenance of a driveway, retaining wall or fence
 - Ingress/Egress provides for the ability to access a property by crossing other property/properties
 - Easement by prescription: Easement granted by the courts typically for access to a property
- Time Frames of easements:
 - May last forever or may expire after a certain date or condition occur
 - May be granted for the current owner or it may include their heirs
- Automatic easement termination occurs when there is:
 - A merger (you cannot have an easement to yourself on your own land)
 - A loss of land due to erosion
 - Destruction of a building existing on an easement
 - Increased burden inconsistent with the original use is placed on a property (ex. can't erect a building in an easement meant for driveway access)