

ST. LOUIS POST-DISPATCH

stltoday.com Homes

the #1 St. Louis website

LOCAL REAL ESTATE

WHO OWNS YOUR EASEMENT?

What you need to know about your property rights and responsibilities

SHELLY CLARK

2011 Chair of the St. Louis Association of Realtors' Affiliate Committee

WHY DOES the electric company have that big green metal box in my front yard and who told them they could put that box on my property? What gives them the right?

This is actually a simple question to answer – you did! Or at least a previous owner did. When you purchased your home, you agreed to all the current conditions of the property as part of the sale of the property, and that included accepting and adhering to the easements located on the property. That big green box is most likely located within an easement area that was agreed upon.

An easement, as defined by Black's Law Dictionary, is 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 purpose (such as to cross it for access to a public road). The easement may last forever, but it does not give the holder the right to possess, take from, improve, or sell the land.

So what does that really mean?

Here's a quick breakdown:

- It is typically a specific area of the land or property that you own.
- The use of that land is granted to someone else (such as a utility company).
- They have the right to use the "easement area" for a specific purpose (such as running a utility line).
- You may not hinder that access or use of that area (you can't build anything permanent in that area).

Chances are, when you bought your property, easements had already been established and granted to several parties, including utility companies and possibly to private individuals. Those parties have the legal right to use your property and you cannot "get in their way" of using that area of land.

Easements are a very necessary part of owning property. It's how our properties have access to electric, phone, gas, and cables lines. It's how we get our access to water and sewer lines. They are essential to us!

But easements do limit our ability to use our property. Most properties have

easements located along the perimeter of their property, but there are instances when easements are located in more places than just along the perimeter.

For example, there may be an easement running through the middle of your back yard. You can't see it with your eyes, but that easement exists on a recorded document, and there's a good chance that there is a utility line buried underground in that easement.

If you build something, such as a swimming pool, in that easement area, it hinders and limits the ability of the utility company to run the line as you had previously agreed to when you purchased the home. Since you are not allowed to hinder the use of an easement area, you wouldn't be able to have a pool, unless the utility company agreed to vacate the easement.

When purchasing a property, ask your Realtor about having a survey performed on the lot. Typically, the survey drawing will show the existing easements and how they relate to your home and property.

Shelly Clark may be contacted at Shelly@CardinalSurveying.com.

Shelly Clark, LSIT 636.922.1001