



Subdivision and Site Development

Easement Dedication

Application Information and Procedures

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**Planning and Development Services Department City
of Round Rock, Texas**

Updated: October 16, 2018

Easement Frequently Asked Questions

Easements and Declarations - When Are They Required?

An *easement* to the City is a legal document that allows the City as the beneficiary to access and maintain a City-owned utility, channel, or other area as necessary on private property within the scope of the easement. The owner of the land as the grantor of the easement grants access rights to the holder of the easement, the grantee, who enjoys the rights of limited use as specified by the easement document. For example, if a City water main crosses a private landowner's property, the City will need to access and maintain the water main as deemed necessary. The City (grantee) will need an easement from the landowner (grantor) to secure the legal right to do so.

In special cases where City-owned utilities are installed on property that is also owned by the City, a *declaration* of the utility will be the legal document prepared, instead of an easement. The declaration of utility document will notify any buyer of a City property, should such a sale occur, of the presence of the City utility and the rights the City will continue to have to access the utility after the property is conveyed.

Easements that lie outside the bounds of the subject tract(s) in a permit application are *offsite easements*. Similarly, easements within the subject tract(s) are *onsite easements*. Offsite easements are required to be recorded prior to Final Plat recordation if the easement is needed to serve a proposed lot. Offsite easements are also required prior to issuance of a Site Development Permit.

Onsite easements are typically only required to be recorded prior to project acceptance, however, that requirement could come earlier in the development process depending on circumstances. Because every project is different, it is advised that you verify with your Case Manager which easements will be required and when. If you are not sure after your pre-development meeting with your Case Manager, call our main number at (512) 218-5428, and our staff will gladly assist you.

Who Drafts the Easement or Declaration Document?

The City Attorney will draft all City easements and declarations, excepting certain required third-party easements, and email the easement to the owner or the designated signatory authority for execution once the easement has been prepared. Applicants should plan on a minimum of ten (10) business days for City processing time to draft and send the easement document out for execution.

Private and third-party easements are to be drafted by the developer's team. Certain language is required to be included in these documents, so consult your case manager before recording the document.

Who records the Easement Document?

PDS will record all City utility easements and declarations either by separate instrument or by final plat as applicable. Private and third-party easements will be recorded by the developer's team. The recordation number of all applicable easements are required to be included by the developer's team in the AS-BUILT document at the end of a project.

Easement Dedication Requirements for DEDICATION BY SEPARATE INSTRUMENT RECORDATION

The Easement Package **MUST** contain all of the following prior to processing:

1. **APPLICATION INFORMATION SHEET.** Included in this packet..
2. **VALID TITLE REPORT OR FEE TO FOR THE CITY TO OBTAIN A TITLE REPORT.**
 - a. **TITLE REPORT.** Required to be prepared within the past 7 days, with attachments. The metes and bounds field notes caption and sketch must reflect the most recent deed transaction and **MUST** match what is reflected in the abstractor's certificate. In some cases, an owners and lien search may act in lieu.

OR
 - b. **COMPANY OR CASHIER'S CHECK FOR \$300.** The City has a contract with a local Title company to obtain Title reports. The Amount is subject to number of tracts, site of property, & extent of research necessary. In most cases, easements are processed more quickly with this check option due to outdated Title reports and errors with documentation provided.
3. **SIGNATORY AUTHORITY.** A document naming the person with the legal authority to execute the easement document on behalf of the organization.
4. **FIELD NOTES & SKETCH.** Must reflect the easement to be dedicated, including the lot description and orientation to the nearest lot line. Required to be certified (signed and sealed) by a Registered Surveyor licensed to practice in the state of Texas.^a
5. **DIGITAL SKETCH.** One (1) compact disc required.^b Must match the original paper field notes in both PDF and one of the following formats:
 - AutoCad (.dwg)
 - MicroStation (.dgn)
 - ESRI (.shp)

^a Field notes and sketch shall only refer to 'Easement' and shall not state the type of easement (e.g. drainage, water, storm sewer, etc.). The verbiage in the legal document will specify the easement type.

^b Files shall be geo-referenced to the State Plane Grid Coordinate System — Texas Central Zone (4203) and contain a minimum of two (2) survey points referenced to the City of Round Rock Control Network, State Plane, or Latitude/Longitude. The file shall be in US feet and shall include rotation information and scale factor required to reduce surface coordinates to grid coordinates in US feet.

Easement Dedication Requirements for DEDICATION WITH THE FINAL PLAT RECORDATION

The easement package MUST contain all of the following:

1. EASEMENT DEPICTED ON FINAL PLAT CALLING OUT
 - TYPE OF EASEMENT
 - BENEFICIARY OF EASEMENT
 - TEXT READING “HEREBY DEDICATED”
 - BEARINGS & DISTANCES AROUND THE EASEMENT PERIMETER
 - TIE TO A FINAL PLAT BENCHMARK

2. EASEMENT NOTE LANGUAGE TO BE INCLUDED IN NOTES ON THE FINAL PLAT (Note stated below and available on the Land Development Permit webpage under the References section)

3. METES-AND-BOUNDS DESCRIPTION FOR THE EASEMENT

EASEMENT NOTE (available in Word online):

The perpetual easement, right-of-way, rights, and privileges herein granted shall be used for the purposes of location, placement, relocation, construction, operation, enlargement, maintenance, alteration, repair, rebuilding, removal, and patrol of utilities and associated facilities including but not limited to: pipes, valves, vaults, manholes, channels, inlets, structures, access facilities, conduits, appurtenances, and any necessary accessories thereto (collectively the "Facilities").

This conveyance is made and accepted subject to any and all conditions and restrictions, if any, relating to the hereinabove described property to the extent, and only to the extent, that the same may still be in force and effect and shown of record in the office of the County Clerk of Williamson County, Texas or Travis County, Texas.

Except as otherwise noted, the easement, rights, and privileges herein granted shall be perpetual, provided however that said easement, rights, and privileges shall cease and revert to Grantors in the event the utilities are abandoned or shall cease to be in operation, for a period of five (5) consecutive years.

The perpetual easement, right-of-way, rights, and privileges granted herein are exclusive, and Grantor covenants not to convey any other easement or conflicting rights within the premises covered by this grant, without the express written consent of Grantee, which consent shall not be unreasonably withheld. Grantee shall have the right to review any proposed easement or conflicting use to determine the effect, if any, on the Facilities contemplated herein. Prior to granting its consent for other easements, Grantee may require reasonable safeguards to protect the integrity of the Facilities thereon.

Grantor further grants to Grantee:

- (a) the right to install additional Facilities on the Easement Tract;

- (b) the right to grade the easement for the full width thereof and to extend the cuts and fills for such grading into and onto the land along and outside the easement to such extent as Grantee may find reasonably necessary;
- (c) the right of ingress to and egress from the easement over and across Grantor's property by means of roads and lanes thereon, if such exist; otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to Grantor; provided that such right of ingress and egress shall not extend to any portion of Grantor's property which is isolated from the easement by any public highway or road now crossing or hereafter crossing the property; the foregoing right of ingress and egress includes the right of the Grantee and assigned employees of Grantee to disassemble, remove, take down, and clear away any fence, barricade, or other structure which obstructs, prevents, or hinders Grantee's ingress to and egress from the Grantor's property, and should Grantee deem it necessary to so disassemble, remove, take down, or clear away any such fence, barricade, or other structure, Grantee shall, as soon as is reasonably feasible, replace or restore Grantor's property to as similar a condition as reasonably practicable as existed immediately prior to Grantee's actions pursuant to this provision, unless said fence, barricade, or other structure is inconsistent with the rights conveyed to Grantee herein;
- (d) the right of grading for, construction, maintaining and using such roads on and across the property as Grantee may deem necessary in the exercise of the right of ingress and egress or to provide access to property adjacent to the easement;
- (e) the right from time to time to trim and to cut down and clear away any and all trees and brush now or hereafter on the easement and to trim and to cut down and clear away any trees on either side of the easement which now or hereafter in the opinion of Grantee may be a hazard to any pipeline; valves, appliances, fittings, or other improvements by reason of the danger of falling thereon or root infiltration therein, or which may otherwise interfere with the exercise of Grantee's rights hereunder; provided however, that all trees which Grantee is hereby authorized to cut and remove, if valuable for timber or firewood, shall continue to be the property of Grantor, but all tops, lops, brush and refuse wood shall be burned or removed by Grantee;
- (f) the right to mark the location of the easement by suitable markers set in the ground; provided that such markers shall be placed in fences or other locations which will not interfere with any reasonable use Grantor shall make of the easement;

Grantee hereby covenants and agrees:

- (a) Grantee shall not fence the easement;
- (b) Grantee shall promptly backfill any trench made by it on the easement and repair any damage it shall do to Grantor's private roads or lanes on the lands;
- (c) To the extent allowed by law, Grantee shall indemnify Grantor against any loss and damage which shall be caused by the exercise of the rights of ingress and egress or by any wrongful or negligent act or omission of Grantee's agents or employees in the course of their employment.

It is understood and agreed that any and all equipment placed upon said property shall remain the property of Grantee.

Grantor hereby dedicates the easement for the purposes stated herein.

TO HAVE AND TO HOLD the rights and interests described unto Grantee and its successors and assigns, forever, together with all and singular all usual and customary rights thereto in anywise belonging, and together with the right and privilege at any and all times to enter said premises, or any part thereof, for the purpose of constructing or maintaining said utilities and for making connections therewith, and Grantor does hereby bind itself, its successors and assigns and legal representatives, to WARRANT AND FOREVER DEFEND, all and singular, the said easement and rights and interests unto the City of Round Rock, Texas, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.



Easement Dedication

Application Information Sheet

For City utilities installed on private property

Submit to Planning & Development Services Department (PDS)
301 W. Bagdad, Ste. 210 | Round Rock, Tx 78664 | 512-218-5428

Project Name: _____

Subdivision Name: _____

Location of Easement Onsite Offsite

Type of Easement: _____

City of Round Rock Project Reviewer: _____

Property Information

Address: _____

Subdivision: _____

To be dedicated: Square feet: _____ or Acres: _____

Grantor Information

Name: _____ Title: _____

Firm name (if applicable); _____

Firm address: _____

Ph: _____ Fax: _____ Email: _____

Grantor's Agent Contact Information (if different from Grantor)

Contact person: _____ Title: _____

Firm name (if different from above): _____

Firm address: _____

Applicant's Contact Information

Name: _____ Title: _____

Firm name (if applicable); _____

Firm address: _____

Ph: _____ Fax: _____ Email: _____

Utility Declaration Requirements for DECLARATION BY SEPARATE INSTRUMENT RECORDATION

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1. **APPLICATION INFORMATION SHEET.** Included in this packet.
2. **VALID TITLE REPORT OR FEE TO FOR THE CITY TO OBTAIN A TITLE REPORT.**
 - a. **TITLE REPORT.** Required to be prepared within the past 7 days, with attachments. The metes and bounds field notes caption and sketch must reflect the most recent deed transaction and **MUST** match what is reflected in the abstractor's certificate. In some cases, an owners and lien search may act in lieu.

OR
 - b. **COMPANY OR CASHIER'S CHECK FOR \$300.** The City has a contract with a local Title company to obtain Title reports. The Amount is subject to number of tracts, site of property, & extent of research necessary. In most cases, easements are processed more quickly with this check option due to outdated Title reports and errors with documentation provided.
6. **SIGNATORY AUTHORITY.** A document naming the person with the legal authority to execute the easement document on behalf of the organization.
7. **FIELD NOTES & SKETCH.** Must reflect the easement to be dedicated, including the lot description and orientation to the nearest lot line. Required to be certified (signed and sealed) by a Registered Surveyor licensed to practice in the state of Texas.^a
8. **DIGITAL SKETCH.** One (1) compact disc required.^b Must match the original paper field notes in both PDF and one of the following formats:
 - AutoCad (.dwg)
 - MicroStation (.dgn)
 - ESRI (.shp)

^a Field notes and sketch shall only refer to 'Easement' and shall not state the type of easement (e.g. drainage, water, storm sewer, etc.). The verbiage in the legal document will specify the easement type.

^b Files shall be geo-referenced to the State Plane Grid Coordinate System — Texas Central Zone (4203) and contain a minimum of two (2) survey points referenced to the City of Round Rock Control Network, State Plane, or Latitude/Longitude. The file shall be in US feet and shall include rotation information and scale factor required to reduce surface coordinates to grid coordinates in US feet.



Declaration of Utility

Application Information Sheet

For City utilities installed on City property

Submit to Planning & Development Services Department (PDS)
301 W. Bagdad, Ste. 210 | Round Rock, Tx 78664 | 512-218-5428

Project Name: _____

Subdivision Name: _____

Location of Easement Onsite Offsite

Type of Easement: _____

City of Round Rock Project Reviewer: _____

Property Information

Address: _____

Subdivision: _____

To be declared: Square feet: _____ or Acres: _____

Grantor Information

Name: CITY OF ROUND ROCK Title: N/A

Firm name (if applicable): N/A

Firm address: N/A

Grantor's Agent Contact Information (if different from Grantor)

Contact person: N/A Title: N/A

Firm name (if different from above): N/A

Firm address: N/A

Applicant's Contact Information

Name: _____ Title: _____

Firm name (if applicable): _____

Firm address: _____

Ph: _____ Fax: _____ Email: _____

Additional Information

Staff contacts:

https://www.roundrocktexas.gov/wp-content/uploads/2018/03/contacts_development-staff-current.pdf

This and other packets online:

<https://www.roundrocktexas.gov/departments/planning-and-development-services/land-development-permits/>

Planning and Development Services (PDS) Transmittal Form:

<https://www.roundrocktexas.gov/wp-content/uploads/2015/01/letter-of-transmittal.pdf>