

EASEMENTS EXPLAINED

Because many residents were, and perhaps still are, unaware of the previous sometimes chaotic waterline construction in the subdivision; landscaping, fences, storage sheds, and even a garage are situated atop some of the water system supply lines. The Water District would like to request that, prior to landscaping or building structures of any kind, residents please speak with the water superintendent to locate the water pipelines that may or may not run through your property. In the event of water emergency in a pipeline located under one of these structures or landscaping items, the District might find it necessary to remove the encroaching item rather hurriedly. Please be aware, that we are not responsible for replacing or repairing any damaged property.

Below are legal descriptions of what easements are, and how they differ.

What is an easement?

An easement is an interest in real property granted by the owner of the property to another, such as a utility company. In the case of a positive grant of easement, a liberty, privilege, or advantage in land, without profit, and existing distinctly from the ownership of the property is granted. The person receiving the grant of easement is given the right to do something on the land, for example, traveling across it at will.

A grant of a negative easement is one in which the property owner of the effected real property, also known as the "servient estate," is prohibited from engaging in otherwise lawful conduct on the property for the benefit of the grantee of the easement. A right-of-way is the right of passage over another person's property; it is an easement on

the lands of others, obtained by lawful condemnation to public use or by purchase.

The Pinewood Springs community was developed incrementally. The course of progress may be tracked by the various filings. Most of the lots platted by the original developer, Pinewood Springs Corp., have utility easements around the edges. In some of the filings, such as the Second and Eleventh Filings, the developer reserved to itself "rights of way over and across any and all lots in said subdivision for the installation, maintenance, and repair of any power, telephone, and television-transmission lines, water and sewer lines, and systems or other utilities; such rights of way, whether one or more, to be constructed over the most practical, economical route as determined by the Pinewood Springs Corp., its successors and assigns."

If water system supply lines (other than the tap for the particular property) cross a parcel, there may be an easement granted to the developer or the Pinewood Springs Water District for the placement of that line. Any real property owner seeking to make improvements to their land requiring excavation, are encouraged to review the recorded information pertaining to their property, and to contact the Utility Notification Center of Colorado online or at telephone number 811.