

What is an easement?

An easement is an interest (right) one party has in the property (estate) of another.

In the simplest of terms, an easement is a “right to use”.

Easements do not have to be part of a deed description or a mortgage title history to be valid.

What defines an easement?

- An easement is a legal document that becomes part of a parcel history
- Must be in writing and notarized; should be recorded at the County Recorder’s Office
- Attaches to the land itself regardless of ownership
- Has a specific purpose, limited in use
- Has specific boundaries and dimensions
- Runs with the land forever, unless extinguished by legal means

There are many types of easements for various purposes. The following is an explanation of the easements most likely to affect your property.

Easements for county roads:

Easements along public roads allow the public to travel along the road regardless of who has title to (owns) the land under the road. All county roads are governed by the regulations found in Ohio Revised Code Chapter 5553.

The amount of land specified for public use is called the road **right-of-way**. Road right-of-way includes the pavement and the land along each side of the road that is used for drainage and utility purposes. Example: Ziegler Road was established at 60 feet of right-of-way, 30 feet on each side of the road centerline. The Franklin County Engineer’s Office keeps and maintains the official records of road right-of-way for the county and township roads. See the road right-of-way pamphlet for additional information.

Easements for private roads:

Easements for private roads provide access to property that would otherwise be landlocked. The deed information gives the dimensions of how much land is used for the access roadway. Private roads are not maintained by Franklin County or the townships.

Highway easement acquisition:

Highway easements are granted to Franklin County by landowners for additional road right-of-way purposes. Most often, zoning regulations require additional road right-of-way on newly

created parcels. Other additional highway easements may be needed for guardrail placement, sight lines on road curves and driveway locations.

Utility easements:

On private property

Utility companies obtain easements from landowners for the location of their facilities through private property. The purpose of the easement may include overhead or underground electric lines, cable lines, telephone lines and underground gas lines. These easements are not in the road right-of-way; they can be located anywhere on a tract of land. The deed of easement specifies which entity acquired the right to use the property, as well as the description and dimensions of the location of their facility.

In the public road right-of-way

Utility companies recognized by the Public Utilities Commission of Ohio (PUCO) are permitted by law to locate their facilities within the public road right-of-way. PUCO companies are not required to obtain easements from each landowner as long as their facilities are located within the road right-of-way. Utility companies may obtain additional easements from landowners on the property abutting the road right-of-way.

Drainage easements:

Drainage easements granted to Franklin County are used for a variety of purposes. The easements can be in place to manage storm water or for maintenance on existing county petitioned ditch systems. There can be additional easements along the road right-of-way to improve drainage, such as locations for catch basins and construction of headwalls.

General Easements created by subdivision plats:

Subdivision plats, found at the Franklin County Recorder’s Office, show the roads, alleys, lots of land and easements within a subdivision. The plat information specifies the easement purpose and use, as well as the locations and dimensions of the easements.

Permanent objects should not be located within the platted easements. Structures, trees and plants that are found within an easement are subject to removal if work is required, without compensation to the landowner.

FRANKLIN COUNTY ENGINEER

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**EASEMENTS AND YOUR
PROPERTY**

An informative publication
explaining the basic concepts of
easements and your
property rights

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