

## SECTION 9

### EASEMENTS

**900 GENERAL** The purpose of this section is to identify the procedures the District will follow in obtaining property easements from owners.

- 900.1 The District will not trade easements for taps.
- 900.2 All District main lines shall be placed in private easements rather than utilizing county road easements. Any exceptions to this policy will be handled on a case-by-case basis by the Board of Directors.
- 900.3 The following conditions will apply to any easements granted to the District by property owners:
- A. All permanent easements granted to the District will be twenty feet in width. All construction easements will be thirty feet in width. Variations in easement widths will be dealt with on a case-by-case basis.
  - B. The District is responsible for restoring the property to its original condition, insofar as is possible and reasonable to do so.
- 900.4 The following administrative procedures will be followed in the procurement of easements:
- A. The form that will be utilized for easements is the Easement and Right of Way Agreement (LTWD Form 200) and a copy of this form is attached as Appendix 8 to these Regulations.
  - B. All easements will be notarized and recorded with the county where the property is located. Upon completion of recording, the District shall provide a copy of the easement to the property owner(s) granting the easement.
- 900.5 Under the Special District Act (Title 32, Colorado Revised Statutes), the Board has the special additional power to acquire an easement without the property owner's consent. Specifically, the law states:

To have and exercise the power of eminent domain and dominant domain and, in the manner provided by Article 1 of Title 38 Colorado Revised Statutes, to take any property necessary to the exercise of the powers granted, both within and without the special district, except for the acquisition of water rights.

Accordingly, the following actions may be taken in the event a property owner refuses to grant an easement or cooperate with the District relative to granting an easement:

- A. The Manager will inform the Board, and the Board, at its option, may elect to proceed with an eminent domain action. This does require a formal resolution by the Board of Directors.

~ END OF SECTION 9 ~

These Rules and Regulations were revised, approved, and adopted by the Little Thompson Water District Board of Directors on April 6, 2006.