

LFUCG PROCEDURE FOR REQUESTING AN EASEMENT OR ROW AGREEMENT

The following was designed to expedite the process of requesting the right to encroach into an easement/ROW or release an easement.

Purpose of an Easement

An easement can be defined as a right afforded one party to make limited use of a second party's real property. Easements take various forms including drainage, sanitary sewer and utility. Most easements have been designed and certified by a professional engineer. Any encroachment into an easement can compromise its purpose, resulting in damage to property and unsafe conditions in surrounding areas. However, all requests for an encroachment or release will be processed on a case-by-case basis.

Request Procedure

Citizens should submit the following information to the Division of Water Quality:

1. An agreement prepared by either the home owner or an attorney. The agreement must contain: description of the property including the address, description of the easement, description of the proposed structure, description of the encroachment and meet the Property Records Industry Association standards as adopted by the Kentucky County Clerks Association. Encroachment agreements must be signed by the property owner and preparer. All agreements must be notarized and original documents with ink signatures submitted. **Commercial and right-of-way requests must have the agreement prepared by an attorney.**
2. If the easement is an utility easement, completed, original agreements with six major utilities (i.e. KU or Bluegrass Energy, Wind Stream, KAWC, Time Warner, MetroNet and Columbia Gas or Delta Gas) must accompany the LFUCG agreement to the Division of Water Quality.
3. Original drawing(s), on either letter or legal size paper, to scale and legible, showing all easements, all property boundaries, current structures, proposed structures, existing sewer lines, existing utilities visible on the surface and meet the Property Records Industry Association standards as adopted by the Kentucky County Clerks Association. **If an attorney prepares the agreement, the drawing conforming to the aforementioned guidelines, shall be prepared by a professional engineer or licensed surveyor and the professional's license number shown on the drawing. The drawing must be recordable.** The proposed encroachment or release must be dimensioned and hatched or shaded. These required criteria may be depicted on multiple pages.
4. All aforementioned materials should be submitted to:

Debbie R. Barnett, Engineering Technician Senior
LFUCG, Division of Water Quality
125 Lisle Industrial Road
Lexington, KY 40511
859-367-4916
dbarnett@lexingtonky.gov

LFUCG Process

- When the Division of Water Quality has received all materials a member of the Asset Management Group will review the documents and visit the site and assess any issues. Structures that are already constructed will not receive automatic approval.
- Encroachments into a Detention/Retention easement areas will not be approved. Greenways will be considered based on the nature of the project and will be approved by the Division of Engineering.
- All requests will be reviewed by the following Divisions: Engineering, Water Quality, Environmental Services, Traffic; and the Department of Law, as well as the Director of Engineering, and the Commissioner of Environmental Quality and Public Works for final approval. Release agreements must also go through Council and be signed by the Mayor.
- If the request is approved, the document preparer will be contacted and informed of the necessary filing fees: for each agreement--\$50 for the first five pages and \$3 per additional page. Checks should be made payable to "Fayette County Clerk". The FCC office does not accept cards.
- A member of the Asset Management Group will take approved agreement(s) and meet the property representative at the County Clerk's office. After scanning and archiving, the recorded document/s is/are returned to the property representative. A copy will be forwarded to the Division of Building Inspection for issuance of a permit upon request.
- If a request is denied the document preparer will be notified.

The LFUCG process usually takes several weeks and may take longer depending on the complexity of the particular request. Homeowners and builders should plan accordingly.