

Easement Definitions

- **Dominant Estate & Servient Estate:** The party gaining the benefit of the easement is the dominant estate (or dominant tenement), while the party granting the benefit or suffering the burden is the servient estate (or servient tenement). <https://en.wikipedia.org/wiki/Easement>
- **In Gross vs. Appurtenant:** In the US, an easement *appurtenant* is one that benefits the dominant estate and "runs with the land" and so generally transfers automatically when the dominant estate is transferred. An appurtenant easement allows property owners to access land that is only accessible through a neighbor's land. Conversely, an easement *in gross* benefits an individual or a legal entity, rather than a dominant estate. <https://en.wikipedia.org/wiki/Easement>
- **Affirmative vs. Negative Easements:** An affirmative easement is the right to use another property for a specific purpose, and a negative easement is the right to prevent another from performing an otherwise lawful activity on their own property. <https://en.wikipedia.org/wiki/Easement>

Easement Types

Avigation	Solar/Right to Light	Utility/Communication
View Easement	Access/Ingress-Egress	Conservation/preservation

Finding Easements

- Title commitment
 - Part of legal description
 - Schedule B2- Exceptions
- On the dedicated plat
- In the CCR's
- On a recorded deed
- On adjacent plats & surveys
- City/County/State/Federal maps
- Questions access to property & neighbors
- Utilities access (water, gas & power)
- Pay attention to overhead maps
 - www.parcels.utah.gov
 - Google Maps & Google Earth
- Blue Stakes

Release or Termination of Easements

- Released by mutual agreement
- Expiration of agreement
- Abandonment by holder
- Merger
- Foreclosure
- Estoppel
- Condemnation by the government

From <https://en.wikipedia.org/wiki/Easement>

Evaluating Easements

- What is need or purpose of the easement?
- Is the location and use properly described?
- Who are the parties involved and who can benefit from the easement?
- What is the easement duration, does it run with the land?
- Are there concerns about upkeep and maintenance of the easement area?
- What rights are granted or limited?
- Considerations about the future use?
- Does the easement meet municipal or government standards?

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For Subdivided Properties

1. Obtain dedicated plat
2. Determine Property Type- Subdivision, PUD, PRUD, Condominium
3. Review parcel and disclose plat notes (even on prior files)
4. Review ownership plat/tax plat
5. Review overhead map- County GIS or www.parcels.utah.gov
6. Google Maps & Street View

For City Survey/Lot-Block

1. Review city survey
2. Review ownership plat/tax plat
3. Review overhead map- County GIS or www.parcels.utah.gov
4. Google Maps & Street View

For Long Legal- Section/Township/Range

1. Review Section/Township/Range map
2. Review ownership plat/tax plat
3. Review overhead map- County GIS or www.parcels.utah.gov
4. Google Maps & Street View

What else?

1. Filed surveys from County
2. Review title work (PR)
3. Adjacent plats or surveys
4. City Maps/GIS
5. County Maps/GIS
6. State Maps/GIS
7. Federal Maps/GIS
8. Keep maps legible- Avoid print/Scan, Use snipping tool/PDF Printer or Save as PDF with Chrome

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Federal and State Maps

Utah Easy Section Township Range Map:

<http://files.geology.utah.gov/databases/umsh/map/m10000.html>

Utah Parcel Map: <https://parcels.utah.gov/>

Utah Water Rights Interactive:

<https://maps.waterrights.utah.gov/EsriMap/map.asp> (Click on “Parcels” on the right hand side.

FEMA Interactive Flood Map: <https://msc.fema.gov/portal/search>

FEMA Flood Map: <https://msc.fema.gov/portal/search>

Utah Quaternary Fault & Fold Map:

<https://geology.utah.gov/apps/qfaults/index.html>

Utah Liquefaction Potential Maps:

<https://geology.utah.gov/hazards/earthquakes-faults/liquefaction/>

Utah Geology Interactive Maps: <https://geology.utah.gov/apps/intgeomap/>

US Wetlands Date: Federal Wetlands Data:

<https://www.fws.gov/wetlands/Data/Mapper.html>

Utah Wetlands Data:

<https://geology.utah.gov/apps/wetlands/index.html?mview=map¢er=-111.68190,39.33122&scale=3000000&basemap=satellite&panels=collapseInfo>

Historic Maps from USGS: <https://ngmdb.usgs.gov/topoview/>

Utah Radon Hazard Maps: <https://geology.utah.gov/hazards/radon/>

UDOT Utah Unified Transportation Plan:

<http://www.utahunifiedplan.org/interactive-map/>

UDOT Current Project Map:

<http://uplan.maps.arcgis.com/apps/Viewer/index.html?appid=8465e972c4ae42e18cc775149f79edcf>

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County Interactive Maps:

Salt Lake County Interactive: <http://slco.org/assessor/new/query/intropage.cfm>

Davis County Interactive:

<https://webportal.daviscountyutah.gov/App/PropertySearch/esri/map>

Utah County Interactive: <https://maps.utahcounty.gov/ParcelMap/ParcelMap.html>

Weber County Interactive: <https://www3.co.weber.ut.us/gis/maps/gizmo2/index.html>

Box Elder County: <http://www.boxeldercounty.org/webmaps.htm>

Wasatch County: <https://www.wasatch.utah.gov/Maps>

Summit County: <http://www.co.summit.ut.us/234/Summit-County-GIS>

Tooele County (create free account): http://206.197.88.246/flexviewers/TC_Interactive/

Washington County: <http://geo.washco.utah.gov/Html5Viewer/?viewer=WashingtonCounty>

Cache County: <https://www.cachecounty.org/gis/map-viewers.html>

Iron County: <https://www.ironcounty.net/department/information-technology-service/gis/>

Rich County: <https://www.richcountyut.org/ownership-plats/> (Not interactive, but searchable)

Duchesne County:

<http://duchesnecounty.maps.arcgis.com/apps/webappviewer/index.html?id=90c3cc34ed1a47c79d2b4b508ee9e507>

Uintah County: [http://co.uintah.ut.us/departments/a -](http://co.uintah.ut.us/departments/a_-_e_departments/community_development/interactive_map/index.php)

[_e_departments/community_development/interactive_map/index.php](http://co.uintah.ut.us/departments/a_-_e_departments/community_development/interactive_map/index.php)

Carbon County: GIS: <http://maps.carbon.utah.gov/ccmobile/>:

Carbon County Subdivision Plats:

<https://www.carbon.utah.gov/Administration/Taxes/Documents>

Emery County:

http://emerycounty.com:90/geomoose2/geomoose.html?mapbook=./mapbooks/book_page_mapbook.xml

Emery County Subdivision Plats: <http://www.emerycounty.com/recorder/subdivisions>

Emery County Ownership Plats: http://www.emerycounty.com/recorder/needa_plat.htm

Grand County:

<http://grandcountyutah.maps.arcgis.com/apps/View/index.html?appid=87ff621436ab482ead11ae7380f5a6a9&extent=-109.6637,38.4941,-109.3753,38.6159>

Piute County:

<https://www.arcgis.com/home/webmap/viewer.html?webmap=36737fe09afa4926ae77115fd ef742d1&extent=-112.3644,38.1201,-112.1108,38.234>

Kane County: <https://kane.utah.gov/residents/county-maps/>

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Survey Maps Online:

Salt Lake County Surveyor GIS (FREE):

<https://slco.org/surveyor/apps/surveymonument/>

Utah County Surveyor GIS (FREE):

<https://maps.utahcounty.gov/PrivateSurveys/PrivateSurveys.html>

Weber County Surveyor GIS (FREE)

<http://www.webercountyutah.gov/Surveyor/Interactive/>

Davis County Survey Search (THROUGH REDIWEB) :

https://webportal.daviscountyutah.gov/App/portal#!/sign_in

Washington County

<https://geoprodvm.washco.utah.gov/html5Viewer/?viewer=PublicWorks>

Box Elder (FREE- Turn on Survey Layers) :

<https://gis.boxeldercounty.org/webmap/>

Cache County Surveyor (FREE):

<http://66.232.67.238/websites/surveyviewer/>

Summit County Surveyor (FREE, but not easy) :

<https://property.summitcounty.org/surveyor/eagleweb/docSearch.jsp>

Wasatch County Surveyor (FREE) :

<https://wasatch.maps.arcgis.com/apps/webappviewer/index.html?id=103db0251a5342f7bbd1462eb7a47440>

Uintah County Surveyor (Free, but not easy. Download PDF for Links on Left Side of Page) : http://co.uintah.ut.us/departments/q_z_departments/surveyor/index.php

San Juan County: <https://sanjuancounty.org/?s=survey>

Tooele County: http://206.197.88.246/flexviewers/TC_Interactive/

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