

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>

How are Easements Created?

- With an agreement
- As appurtenance ("together with")
- As a reservation
- In a recorded Covenant, Condition, or Restriction
- In a recorded plat
- Prescriptive easement (perfected by court to be insurable)
- Easement by necessity (perfected by court to be insurable)
- Easement by Eminent Domain or condemnation
- Party Wall Agreement
- Easement by Government Regulation: created through government regulations or zoning laws.

Easement Types

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

Locating Easements

- Title commitment
 - Part of legal description
 - Schedule B2- Exceptions
- On the dedicated plat
- Inspect property
- Talking with neighbors
- Within 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

How are Easements Released or Terminated?

- Termination by its own terms
- Release by all parties (Mutual Agreement)
- Release by the court
- Quiet title action/Court order
- Foreclosure
- Eminent domain/condemnation
- Expiration of agreement
- Abandonment by holder
- Merger
- Destruction or purpose extinction
- Prescriptive purpose discontinuation

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

Easement Questions for Due Diligence

- 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?
- Does the easement considerations future or alternative use?
- Does the easement meet municipal or government standards?
- Is the easement recorded and properly documented?
- Can the easement be modified, terminated, or transferred?
- Are there any restrictions or limitations on the use of the easement?
- Are there any financial obligations associated with the easement?
- Are there any known disputes or conflicts related to the easement?
- Does the easement affect the property's boundaries or potential for future development?
- Are there any maintenance or repair responsibilities specified in the easement agreement?
- Are there any specific access rights granted or restricted by the easement?
- Does the easement grant exclusive or non-exclusive rights to the benefiting party?
- Are there any specific conditions or triggers that could affect the validity or enforceability of the easement?
- Are there any potential future changes in the easement due to planned infrastructure projects or zoning regulations?
- Are there any insurance requirements related to the easement?
- Are there any environmental considerations or restrictions associated with the easement?
- Does the easement affect the property's value or marketability?
- Are there any ongoing obligations or fees related to the easement?
- Are there any restrictions on altering or modifying the easement area?
- Are there any required permissions or approvals for using the easement?
- Does the easement affect privacy or noise levels on the property?
- Are there any known encroachments or violations of the easement?
- Is the easement properly disclosed to potential buyers or tenants?



Distinctions between Parcels, Lots & Units - 10-9a-103. Definitions.

Parcels: "Parcel" means any real property that is not a lot. *(Including Metes & Bounds or City Survey)*

Lot: "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder. *Subdivision, Cluster Subdivision, Planned Unit Development (PUD), Planned Residential Unit Development (PRUD)*

If a subdivision is in an owner's association, See the Community Association Act (57-8a-102)

57-8-3. Definitions

Units: (40) (a) "Unit" means a separate part of the property intended for any type of independent use, which is created by the recording of a declaration and a condominium plat that describes the unit boundaries. *(Condominiums)*

(11) "Condominium unit" means a unit together with the undivided interest in the common areas and facilities appertaining to that unit.

Condominium units are governed by the Condominium Association Act 57-8-3 (5)

Determining the real property type

Discerning a property type can be difficult when the legal description doesn't indicate the property type. Here are a few ways to track down the property type.

1. Read the legal description on the last recorded vesting deed
2. Review & read the dedicated/official plat. Often the title of the development name will reveal the property type. If not, review the narrative section and/or the dedication section.
3. The property type can be discovered by reading the CCR's and bylaws in the recital and definition sections.

Property Type Best Practices – Plats & Maps

Subdivided Properties (Lot)

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

City Survey/Lot-Block (Parcel)

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

Long Legal- Section/Township/Range (Parcel)

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

Other Map Resources

- Surveys from County (separate from plats)
- Title commitment/preliminary title report
- Adjacent plats or surveys
- City Maps & County Maps/GIS
- State Maps/GIS
- Federal Maps/GIS
- Keep maps legible - Use snipping tool/PDF Printer or Save as PDF on your browser

County Maps (Online)

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

Davis County: <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:

<https://beco.maps.arcgis.com/apps/instant/basic/index.html?appid=decfc0e5a98e4827bd4fea72ea260f32>

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

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

Tooele County:

<https://www.arcgis.com/apps/webappviewer/index.html?id=9687ce6c53174963aa4b38568209a148>

Washington County: <https://www.washco.utah.gov/departments/gis/map-inventory/>

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

Iron County: <https://ironcounty.net/recorders>

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

Duchesne County: <https://duchesne.utah.gov/gov/dept/information-systems/gis-maps/>

Uintah County: http://co.uintah.ut.us/departments/a_e_departments/community_development/interactive_map/index.php

Carbon County: GIS: <https://maps.carbon.utah.gov/ccgeneral/>, Carbon County Subdivision Plats:

<https://www.carbon.utah.gov/service/find-a-plat/>

Emery County: <https://emery.utah.gov/home/department-directory/is-gis/>, Subdivision Plats:

<https://emery.utah.gov/home/offices/recorder/plat-map/>

Grand County: <https://www.grandcountyutah.net/790/Parcel-Viewer-Map>

Piute County: <https://www.piuteutah.com/your-government/about-the-county/maps/>

Kane County: <https://kane.utah.gov/175/County-Maps>

Sanpete County: <https://www.sanpete.com/recorder.html> (Not interactive, but searchable)

Sevier County: <https://maps-sevierut.hub.arcgis.com/>

San Juan County: Record of Survey Plats: <https://sanjuancounty.org/surveys>, Subdivision Plats:

<https://sanjuancounty.org/subdivision>

Millard County:

<https://millardgis.maps.arcgis.com/apps/webappviewer/index.html?id=a6349d390b9041a1aeae35e29a398035>

Morgan County: <https://www.morgancountyutah.gov/maps>

Juab County:

<https://webapps.cloudsmartgis.com/ClientRelated/Utah/JuabCounty/JuabCounty/TaxParcelViewerLite/>

Daggett County:

<https://daggettutah.maps.arcgis.com/apps/webappviewer/index.html?id=7384aeb0b9ea4bec97d74d3050de8125>

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/Paywall) :

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 & contains Rich County Surveys):

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

Summit County Surveyor (FREE, but not easy) :

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

<https://surveyor.summitcounty.org/surveyor/web/>

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/

Iron County: <https://ironcounty.net/recorders>

Sevier County: [https://maps-](https://maps-sevierut.hub.arcgis.com/apps/15fc773e16a44df48ea9bcc2091d7044/explore)

[sevierut.hub.arcgis.com/apps/15fc773e16a44df48ea9bcc2091d7044/explore](https://maps-sevierut.hub.arcgis.com/apps/15fc773e16a44df48ea9bcc2091d7044/explore)

Duchesne County <https://duchesne.utah.gov/gov/elected-officials/surveyor/>

San Juan County: <https://sanjuancountyut.gov/surveys>

Grand County: <https://sanjuancountyut.gov/surveys>

Rich County: <https://search.richcounty.gov/SurveySearch.aspx>

Daggett County: <https://www.daggettcounty.org/554/Filed-Surveys>

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/EscriMap/map.asp> (Click on “Parcels” on the right hand side.

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

Utah Quaternary Fault & Fold Map:

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

Utah Geologic Hazards Portal: <https://hazards.geology.utah.gov/>

Utah Liquefaction Potential Maps:

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

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

US Wetlands Data: 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:

<https://experience.arcgis.com/experience/e2b10d6141cc4d91900f783dbdeefed5/>

UDOT Current Project Map:

<https://maps.udot.utah.gov/wadocuments/apps/PublicProjectsApp/?page=Under-Construction>