North Pole Water Distribution System Expansion – August 16, 2017 – jfbennett

- The project intends to use as much existing ROW capable of accommodating a water utility as possibly. These include dedicated streets, PUE, express easements, section line easements and DOT&PF ROW.
- 2. R&M's role was to identify the existing ROW that could be used for the alignments and then gaps in the existing ROW where new easements would have to be acquired. This was an iterative process with the design team and not guaranteed to be 100% accurate. Unlike a DOT acquisition project, no ROW mapping was developed. Also, title reports were typically only ordered for those parcels where a permanent easement was to be acquired or where we believed an in depth title search would reveal an existing easement.
- 3. Through this process, we identified 47 permanent easement parcels and 10 Temporary Construction Easements to be acquired.
- 4. As is often required in ROW analysis, a certain amount of risk is taken when what appears to be an existing easement has some ambiguity in the language that makes the scope of use unclear.

PUEs to be acquired were identified in the following areas due to limitations with the existing easements:

- Poodle Lane North of Ownby Road Parcels 12 through 17 were subject to what appears to be private access easements. Utility placement within these easements was considered to be beyond the scope of the existing easement and requiring acquisition of a PUE.
- b. The south end of Keeney Road (Parcels 21-29) were subject to express road easements primarily established so that a FNSB road service area could be created. My interpretation of these types of express easements was that placement of a utility would be beyond the scope of the easement.
- c. Parcel 51 in Chaparral Subdivision adjoining Peridot Street has an ambiguity where the PUE along the southern border appears to terminate at a North-South power line easement. As placement of a utility within the power line easement would be beyond the scope, we established a PUE parcel.
- d. Parcels 38-40 at the Bradley Sky Ranch were identified as the previously existing section line easement had been vacated.
- e. Parcel 37 in Horseshoe Subdivision was identified because a previously existing PUE had been vacated.
- f. Parcel 31 in Skyranch Subd (Plat 79-134) was identified where there existed a dedicated "50' easement for future road extension". Generally, a plat dedicated road ROW would be considered suitable for utility placement. However, at this time the road has not been constructed leaving a question as to whether it can be used for utilities at this time. This was likely an over conservative interpretation and if the offer had not already been made, we might have dropped the acquisition.

In some situations, ambiguities were decided in favor of an existing ROW suitable for utilities.

- g. Plat 79-19 Keeney Road This plat appears to dedicate most of Keeney Road to the public. It appears to have been accepted by subsequent plats as being dedicated ROW. A closer review indicates that while it crosses 6 parcels, there are only 3 certificates of dedication that only identify three parcels. It may be that these owners also owned the other parcels or it may be that the plat erroneously represents the extent of the dedication. This type of problem also arises where the boundaries of the property being subdivided are not clearly shown on the plat and the property is bounded by existing roads. Sometimes the graphics on a plat imply that a street is being dedicated or has been previously dedicated when it is not a part of the subdivision. These ambiguities can create risk but often the risk is low when the plat has been accepted for a long period of time.
- h. ROW under DOT&PF jurisdiction has not been researched and verified. To do so would be beyond the scope of this project. DOT ROW is a mix of many authorities including dedications, public land orders, section line easements, easements by prescription, and direct acquisitions. When DOT&PF issues a utility permit to use their ROW, it is similar to a quitclaim deed in that they permit use of their ROW interest to the extent they have any at all. Essentially, they leave it to the utility to satisfy themselves that the DOT ROW is valid and sufficient to place a utility. Where DOT has researched and prepared ROW plans for a road, the risk that the utility takes is fairly low. Woll Road is the only road under DOT jurisdiction on the project that does not have ROW plans. However, it is a section line road and those section lines have been verified.
- 5. After the initial parcels to be acquired were identified, a secondary review was performed by plotting the Survey Group's property line basemap on 5 sheets at a 1"=300' scale and tracing the water alignments while reviewing the plat and plans representing the existing ROW. Any discrepancies were reported to the Survey Group and alignment engineer for correction. No additional parcel requiring acquisition were identified.