

# In The Field...

## Easements: Some Basic Concepts

Compiled by Mark E. Sloop, SR/WA

*Mark Sloop is the senior appraiser for the Real Estate Management Department of Orange County, Florida. A member of IRWA since 1963, he has more than 36 years as a right-of-way practitioner in the areas of right-of-way engineering, utilities relocation, negotiations, surveying, appraising, reviewing and supervising review appraisers.*

**T**he real estate appraiser is charged with accurately interpreting and valuing all easement effects on property value, whether making a valuation of a new easement, analyzing comparable sales or estimating the fee simple interest of property encumbered by an easement.

The appraiser must consider any effect on value of the remainder property as well as the effect on value of residual rights within the easement area. The easement documents must be reviewed for analysis of easement rights granted, purpose, obligations, physical use, and location. Easements

have certain characteristics to be considered:

- An easement is defined as an interest in real property that conveys use (certain rights), but not ownership, of a portion of an owner's property.
- Easements come in many forms, but are generally classified as *subsurface*—as in pipelines, minerals and tunnels; *surface*—as in roads, trails, access, canals and railroads; or *above surface*—as in pole lines, electric transmission lines, overhangs, and aerial rights. Most easements for subsurface and above surface also include certain surface rights, that is, access for maintenance, improvement restrictions, control structures, vegetation control, and so forth.
- Easements are created by a written grant of easement



document, deed reservation, recorded plat, map dedication or by prescription.

- Because there are two or more estates within an easement area, it is self-evident that the value of the rights remaining with the fee title owner is something less than the value of the absolute fee of the entire easement area.
- Regardless of the extent of rights granted in an ease-



**Right-of-Way Services Since 1971  
for**

**Pipeline Co.'s, Electric & Gas Utilities  
Telecommunications D.O.T.'s, Municipalities**

- Full R/W and Land Acquisition Service
- Appraisals, Reviews and Agency Permits
- Photogrammetric Survey and Mapping
- Recreation Areas Employee Payroll Service
- Complete Pre-job Cost Evaluations
- Leasing for Exploration, Production or Storage

**Service Resources Corporation  
404-261-5811**

2970 Peachtree Rd., N.W., Suite 310 • Atlanta, Georgia 30305  
Branch Offices: St. Petersburg, Florida • Charlotte, North Carolina

**Inquiries Welcome From Qualified, Available Agents. Send Resume or Call (404) 261-5811**

ment, some property rights remain in the title of the fee owner. If this were not so, the grant would be for the entire fee and no easement would be created.

- The rights remaining in the servient estate have an economic value as the easement area can be included for setback, density calculations, greenbelt area, and so on, and would be recognized as a beneficial interest to the whole. Conveying an easement would not be considered as subdividing a property.
- The remaining rights of the fee owner in an easement area are servient rights and subject to the paramount rights granted by the easement.
- The fee owner's property rights within the easement area may not at all times be

enjoyed to their full extent or may be subject periodically to non-use or limited use.

- The remaining rights in an easement area may have a limited useful life and little or no remaining period of profitable existence.
- The easement right of way, in effect, overlies the rights remaining in the fee ownership.
- Any improvements placed in the easement area, by the fee title owner, after the granting of certain rights would be done so at the owner's risk should they interfere with the easement rights granted.
- The measure of easement value is what fee owner has lost, not what grantee has gained. **IRWA**



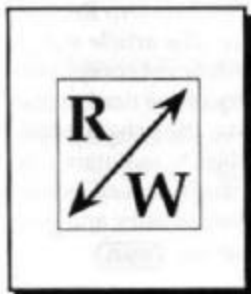
## Photo Search

If you have 35mm slides that you are willing to share with IRWA instructors, please send them to Headquarters. One of our most pressing needs is for slides to use with Course 403: Easement Valuation.

We need two categories of subject mater:

typical easement situations, and  
unusual easement situations.

If you have slides appropriate for other IRWA courses, they will be appreciated as well.



## R/W Acquisition Associates

**Headquarters**  
16200 Brandywine Rd.  
Brandywine, MD 20613  
(301) 888-2136  
Fax: (301) 579-6543

Raleigh, NC  
(919) 829-0592

Tulsa, OK  
(918) 242-3491

Houston, TX  
(713) 531-5517

Montgomery, AL  
(205) 286-9070

Atlanta, GA  
(404) 262-0629

### We provide these important services:

- |                   |                              |                                         |
|-------------------|------------------------------|-----------------------------------------|
| ■ Engineering     | ■ Design                     | ■ Appraisals                            |
| ■ Acquisition     | ■ Relocation                 | ■ Settlements                           |
| ■ Recordings      | ■ Eminent Domain (Testimony) | ■ Exhibits (Court Documents)            |
| ■ Contracts       | ■ Title Work                 | ■ Title Curative                        |
| ■ Deeds           | ■ Notary                     | ■ Mineral Leasing (oil, gas, coal, etc) |
| ■ Legal Documents |                              |                                         |
| ■ B.L.M. Research |                              |                                         |

### We specialize in the following areas of expertise:

- |                       |                                                   |
|-----------------------|---------------------------------------------------|
| ■ Highways            | ■ Utilities (Water, Sewage, Drainage, Electrical) |
| ■ Airports            | ■ Legal Services (Opinions, etc.)                 |
| ■ Ports (Marinas)     | ■ Land Development, Purchasing                    |
| ■ Feasibility Studies | ■ Sub-division, Layouts                           |
| ■ Pipeline            | ■ Environmental Impact Studies                    |
| ■ Title Curative      | ■ Communications                                  |
| ■ Mineral Buying      | ■ Mineral Leasing                                 |