



## **EASEMENTS**

### **GENERAL POLICY**

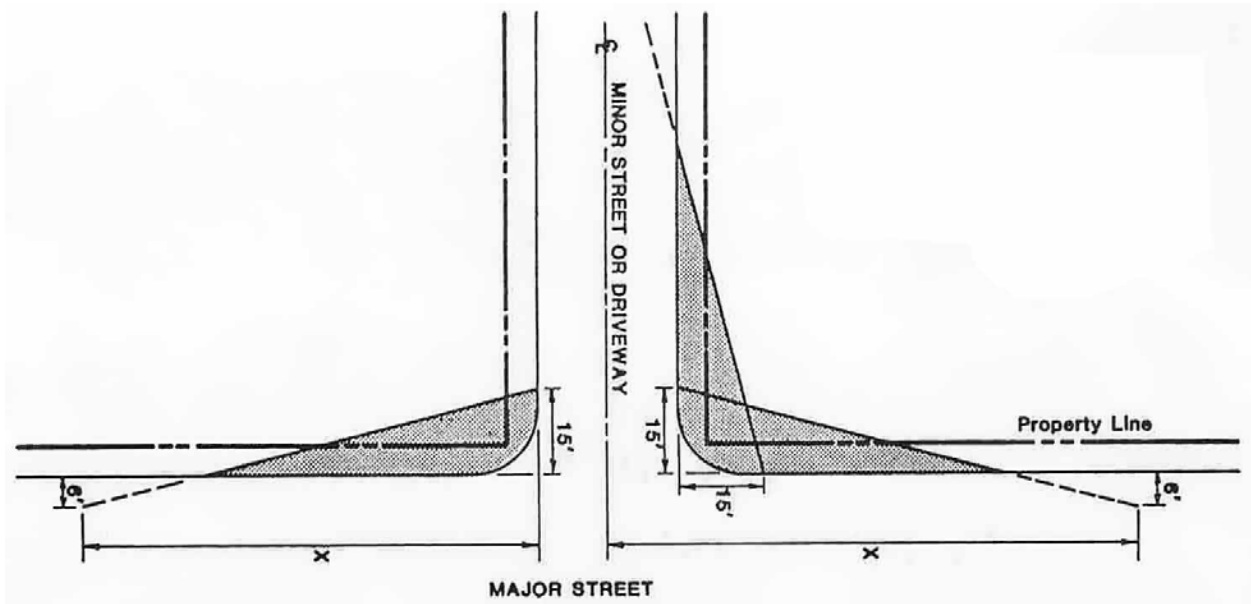
1. Easements should normally be provided along the rear or side lot lines.
2. Utility easements shall be a minimum of fifteen feet (15') in width, unless otherwise specified in the Subdivision Ordinance or approved by the City Planner.
3. A five-foot (5') utility easement shall be required adjacent to street rights-of-way to accommodate the location of underground and overhead utilities according to standardized locations promulgated by the City Manager and the Tarrant County Utility Coordinating Council.
4. Easements can be required by the City to be highly restrictive. In such cases, the City will draw the easement instrument to be executed by the subdivider prior to approval of the Final Plat.
5. When the City finds that easements in areas adjoining a proposed subdivision are necessary to provide adequate drainage or to provide utilities, the subdivider shall obtain such easement.
6. Drainage easements shall generally be located along the existing drainage way and should be of sufficient width for the designed improvements to be installed and enough extra width for maintenance equipment to be able to work.
7. All drainage easements shall be so designed to allow maintenance equipment to enter the easement and be able to perform the necessary work.
8. Employees of the City of Benbrook and its agents shall have the authority to enter premises at any time for the purpose of inspecting, repairing, or constructing within any easement.

### **UTILITY EASEMENTS**

1. Any franchised or authorized public utility, including the City of Benbrook, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat; and any public utility, including the City of Benbrook, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time, of procuring the permission of anyone.
2. All easements which will be used for water and/or sewer facilities, or which may potentially be used in the future for water and/or sewer facilities shall be a minimum of fifteen feet (15') in width. Easements may be greater or lesser than fifteen feet (15') in width as required by the Benbrook Water Authority.

### **PUBLIC OPEN SPACE RESTRICTION**

1. A triangular public "open space" easement (P.O.S.E.) is required on corner lots at the intersection of two streets (including alleys and private streets.) The triangles shall be described as starting at a point 15 feet behind the curb line on the intersecting street and extending along the street a distance of 10 feet for every mile per hour of posted speed (10'/mph) to a point six-feet inside of the curb line (see Figure below.) Two triangles are required on each leg of the intersection.



2. These open space easements will remain in effect unless vacated by ordinance adopted by the City Council of Benbrook.

### **DRAINAGE EASEMENTS**

Where a subdivision is traversed by a watercourse, drainage way, natural channel or stream, there shall be provided an easement or right-of-way conforming substantially to the limit of such watercourse, plus additional width to accommodate future needs as determined by the City Manager. Natural waterways and channels should be used wherever practical to carry run-off. Any modification to an existing waterway and channel requires approval by the City Manager.

1. Storm drainage easements of fifteen-foot (15') minimum width shall be provided for existing and proposed enclosed drainage systems. Easements shall be centered on the systems. Larger easements, where necessary, shall be provided as directed by the City Engineer.
2. Storm drainage easements along existing or proposed open channels shall provide sufficient width for the required channel and such additional width as may be required for ingress and egress of maintenance equipment; to provide clearance from fences and space for utility poles; to allow maintenance of the channel bank; and, to provide necessary slopes along the bank.
3. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
4. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat or other instrument as approved by the City Attorney. In the case of clear public interest, the City may participate in easement acquisition by power of condemnation.
5. The applicant shall dedicate an appropriate drainage easement either in fee or by drainage easement or by conservation easement of land on both sides of existing watercourses to a distance to be determined by the City Engineer.
6. Easements for storm drainage facilities shall be provided at locations containing proposed or existing drainage ways.

7. Storm drainage easements shall be provided for emergency overflow drainage ways of sufficient width to contain within the easement storm water resulting from a 100-year frequency storm less the amount of storm water carried in an enclosed system of a capacity required by the City of Benbrook.
8. The width of the easements shall be substantiated by a drainage study and drainage calculations or other criteria submitted to and approved by the City Engineer.
9. Floodplain easements shall be provided along natural drainage ways and lakes or reservoirs. Floodplain easements shall encompass all areas beneath the water surface elevation resulting from a storm whose design frequency is 100 years, plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property, as determined and required by the City Engineer.
10. Detention area easements shall be provided that completely encompass the pond and associated improvements. Detention ponds shall be maintained by the property owner or homeowner's association.

#### **ACCESS EASEMENTS**

1. Emergency access easements and fire lanes will be provided where required by the Fire Marshal or the Planning and Zoning Commission and shall be a minimum of twenty feet (20') in width, have a minimum height clearance of fourteen feet (14'), and have a minimum inside turning radius of twenty-five feet (25'). Any emergency access and fire lane easement more than one-hundred (100) feet in length shall either connect at each end to a dedicated public street or be provided with a cul-de-sac having a minimum diameter of eighty feet (80') with an additional distance of ten feet (10') on all sides clear of permanent structures. These easements shall be paved to Design Standards and Specifications recommended by the City Engineer.
2. Cross access easements shall be required from one commercial lot to the adjacent commercial lot to allow circulation without entering the public street.