



TxDOT ROW UTILITY WEEK

THE POWER OF YOU - Delivering Right-Of-Way Solutions to Texas

Understanding Utility Easements

Daniel Ibarra, R.P.L.S./P.E.
ELP District Surveyor

Track 1 Session 1
Day 2 - 12/13/2023





DISCLAIMER

The views and opinions expressed during the Utility Week 2023 are those of the presenters, panelist, and moderators and do not necessarily reflect the official policy or the position of the Texas Department of Transportation.



PLEASE TAKE YOUR
SEATS
FILL IN ALL REMAINING SEATS



PLEASE SILENCE
ELECTRONICS AT THIS
TIME



- El Paso District Land Surveyor
- B.S. in Civil Engineering from UTEP
- With TxDOT for just over 1 year
- Licensed PE and RPLS with the State of Texas
- Worked for The El Paso County Road and Bridge Department
- Performed Land Surveying Services for multiple private and public utility companies
- 15 years as a licensed land surveyor
 - Written numerous legal descriptions for the purpose of recording new utility right of ways and easements.
 - He has done extensive boundary surveying, construction staking, and as-built surveying for utility infrastructures.





- 1 What is a Utility Easement
- 2 Utility "Fee Simple "ROW
- 3 Reading Deeds and Easements
- 4 Reading Metes and Bounds Descriptions
- 5 Other Types Of Easement Descriptions
- 6 Coordination
- 7 Available Tools



- A utility easement grants a party the right to use a property for utility infrastructure.
- Property owners maintain ownership but can't hinder the designated use.
- It's common for utility easements to be documented in property deeds.
- They ensure ongoing access for utility companies even if the property changes hands.
- Property owners must be aware of easements, impacting land use and development.





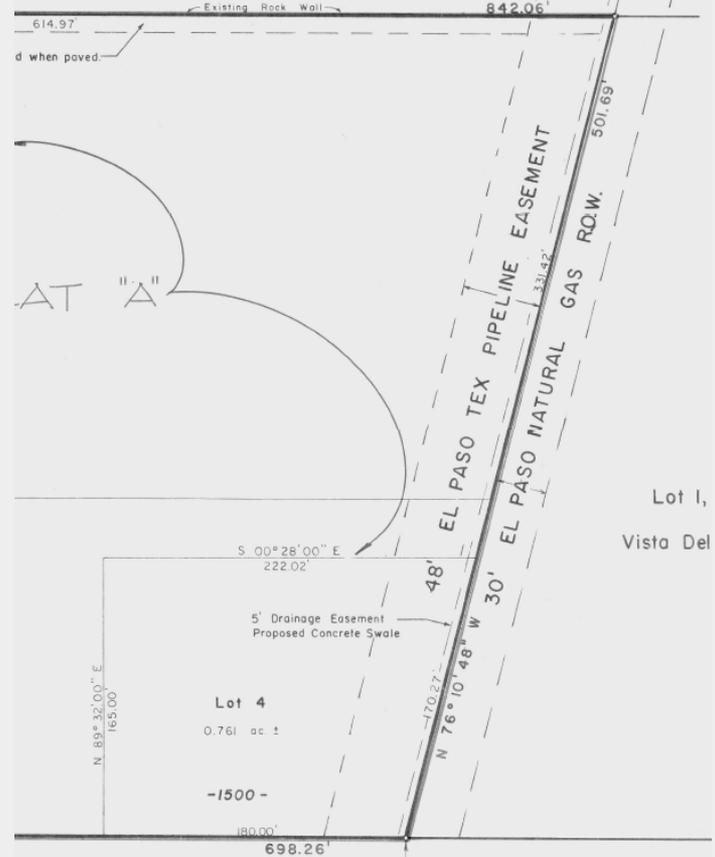
- "Fee simple" indicates absolute ownership of property, granting full rights over the land.
- Owners possess the right to use, possess, and dispose of the property within legal bounds.
- A Utility "fee simple" ROW grants the utility company complete ownership of a land strip for utility infrastructure.
- The utility company gains exclusive control over the designated area for related activities.
- With a "fee simple" ROW, the utility company owns the land outright and exercises all associated land rights.
- This setup is common for major utility projects requiring long-term and exclusive land access.
- Property owners and buyers must recognize the impact of a Utility "fee simple" ROW on property use, development plans, and property value.



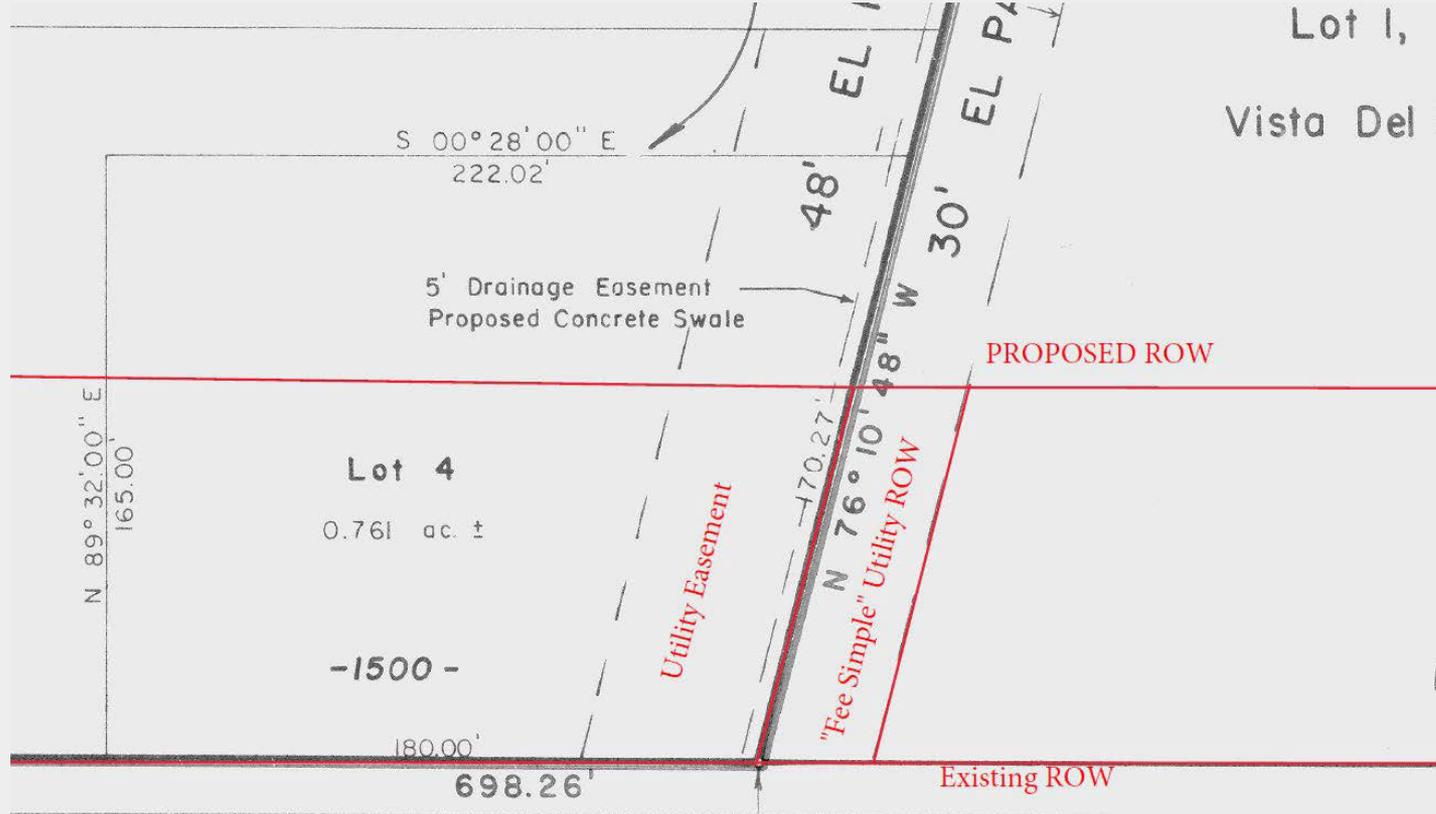
Why is this relevant to utility coordination?

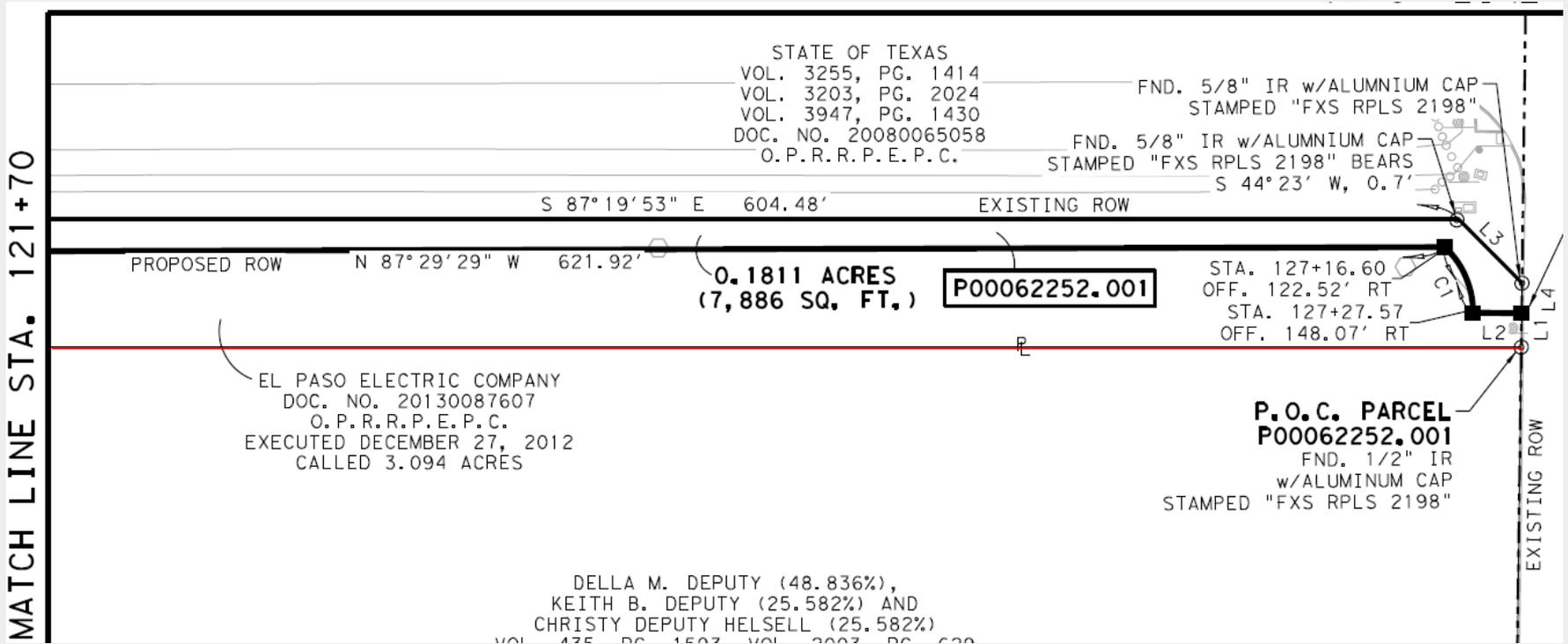


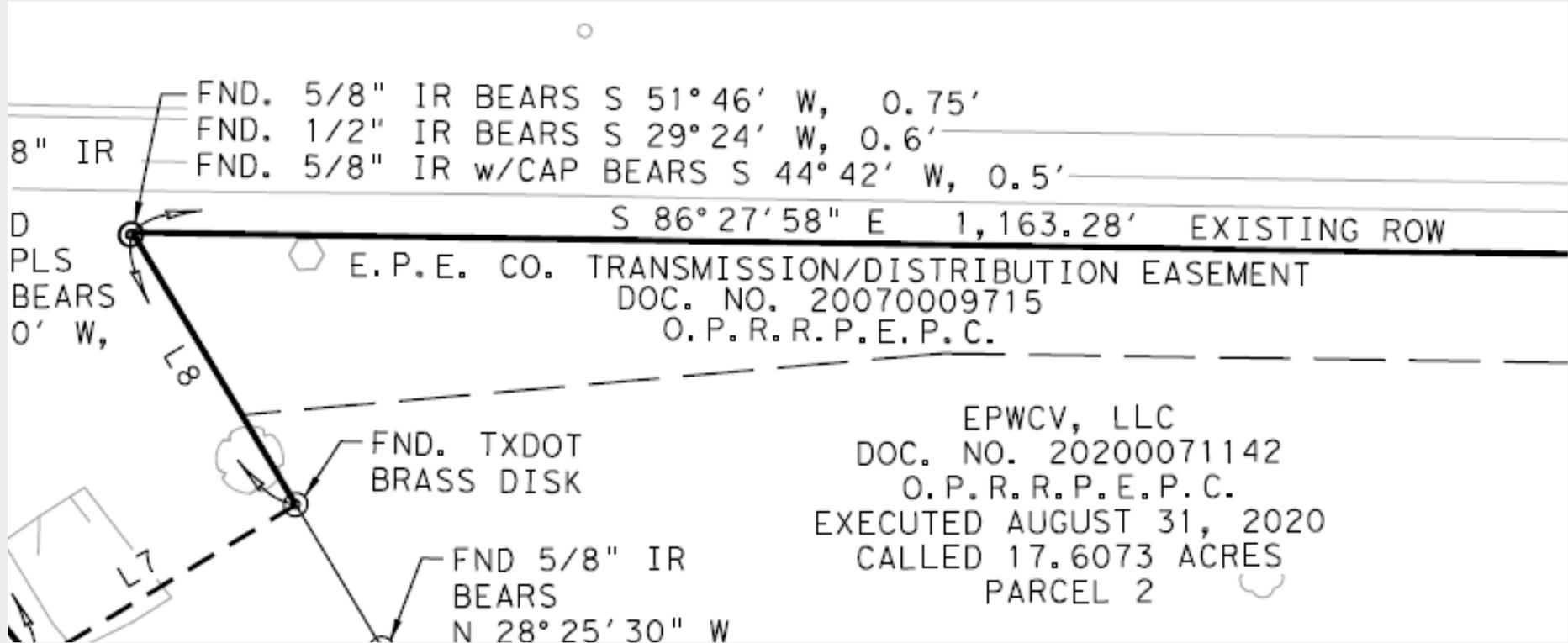
- If the utility lays on an easement, relocation may be handled through utility relocation.
- If it is on a “Fee Simple” Utility ROW, the utility company owns the strip, and an acquisition of the land needs to occur with the relocation.



Easement vs Fee Simple









- Use of the proper statutory form of deed.
- Competent parties: grantor and grantee.
- Words of grant or operative words of conveyance.
- Sufficient description of the property to be conveyed.
 - Metes and Bounds Description
 - Exhibits and Attachments
- Restriction and Exceptions.
- Delivery and acceptance.





- **"Easement"**: This is the most direct term indicating the existence of an easement.
- **"Right of way"**: This phrase often refers to an easement granting the right to pass through someone else's property.
- **"Access"**: It may suggest an easement for access purposes.
- **"Utilities"**: This can indicate the presence of an easement for utility lines or infrastructure.
- **"Ingress and egress"**: These words typically refer to the right to enter and exit the property and might imply an easement.
- **"Restrictions"**: This term might suggest limitations on property use due to the presence of an easement.
- **"Easement holder"**: Mention of an entity as an easement holder implies the existence of an easement on the property.

Exhibits and Attachments

EXHIBIT "A-1"

The Texas Property

Frank X. Spencer & Associates, Inc.

Consulting Civil Engineers & Surveyors

1130 Montana Ave., El Paso, Texas 79902

Ph: 915-533-4600 • F: 915-533-4675

www.fxa.com

TPLS # 00190000 • TPEL #F-3564

METES AND BOUNDS DESCRIPTION

A 3.094 ACRE TRACT OF LAND BEING A PORTION OF TRACT 9, BLOCK 9, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a found 1/2 inch rebar on the northerly right of way line of Arcraft Road (SH-178) (right-of-way width varies); Thence, N 89°36'25" E, a distance of 497.78 feet to a found 1/2 inch rebar with aluminum cap on the said northerly right-of-way line; Thence, S 00°22'36" E, leaving said northerly right-of-way line, a distance of 220.16 feet to a found 1/2 inch rebar with aluminum cap on the southerly right-of-way line of said Arcraft Road, and being the POINT OF BEGINNING;

THENCE, North 89°36'30" East, a distance of 604.48 feet, to a set 5/8 inch rebar with aluminum cap stamped "FXS RPLS 2198";

THENCE, South 45°23'30" East, a distance of 35.61 feet, to a set 5/8 inch rebar with aluminum cap stamped "FXS RPLS 2198" on the west right-of-way line of Westside Drive (50.00' wide right-of-way);

THENCE, South 00°23'46" West, with said west right-of-way line, a distance of 24.83 feet, to a set 5/8 inch rebar with aluminum cap stamped "FXS RPLS 2198";

THENCE, South 89°36'30" West, leaving said right-of-way line, a distance of 616.15 feet, to a set 5/8 inch rebar with aluminum cap stamped "FXS RPLS 2198";

THENCE, South 60°05'49" West, a distance of 152.25 feet, to a set 5/8 inch rebar with aluminum cap stamped "FXS RPLS 2198";

THENCE, South 89°36'30" West, a distance of 245.04 feet, to a set 5/8 inch rebar with aluminum cap stamped "FXS RPLS 2198";

THENCE, South 88°09'54" West, a distance of 702.71 feet, to a 5/8 inch rebar with aluminum cap stamped "FXS RPLS 2198" set on the New Mexico-Texas State Line;

THENCE, North 23°55'49" East, along said State Line, passing a monument marked "NM-TX" found at the intersection of the south right-of-way line of Pete V. Domenici Blvd. (New Mexico State Highway 136) (400.00' wide right-of-way) and the New Mexico-Texas State Line, at a distance of 55.52 feet, continuing for a total distance of 156.60 feet, to a 5/8 inch rebar with aluminum cap stamped "FXS RPLS 2198" set on the southerly right-of-way line of said Arcraft Road;

THENCE, North 89°36'30" East, leaving said state line and along said southerly right-of-way line, a distance of 504.78 feet, to a set 5/8 inch rebar with aluminum cap stamped "FXS RPLS 2198";

THENCE, South 60°53'42" East, continuing with said right-of-way line, a distance of 152.32 feet, to a set 5/8 inch rebar with aluminum cap stamped "FXS RPLS 2198";

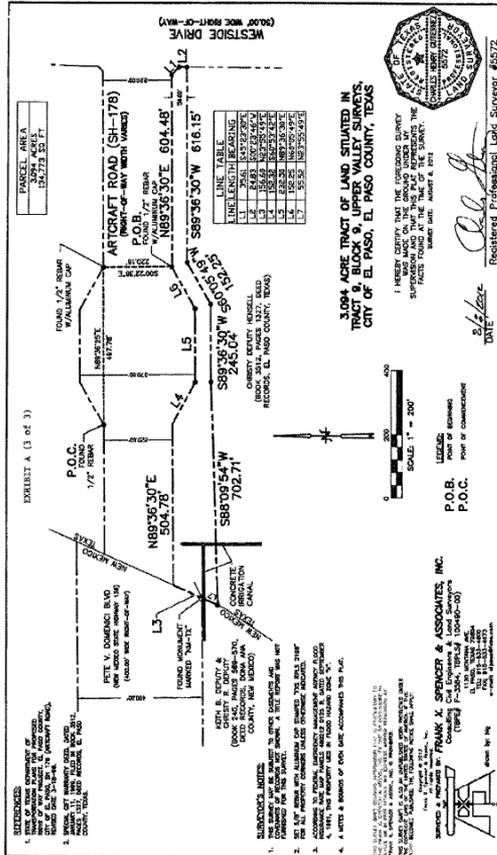


EXHIBIT B to Warranty Deed

Listed Permitted Exceptions, as defined in the Agreement.

- Claims by the Tigua Indian Tribe of the Ysleta del Sur Pueblo, as evidenced by that certain Affidavit concerning filing of Notice of Claim to the Ysleta Grant and Aboriginal Title Areas, executed by Julian Granillo, Governor of the Ysleta del Sur Pueblo Indian Tribe, also known as the Tigua Indian Community, dated April 12, 1993, filed on April 16, 1993 in Volume 2553, Page 1958, of the Real Property Records, El Paso County, Texas. Company insures the Insured against loss, if any sustained by the Insured under the terms of this Policy by reason of a final, non-appealable judgment of a court of competent jurisdiction that divests the Insured of its interest as Insured because of this right, claim or interest. Company agrees to provide defense to the Insured in accordance with the terms of this Policy if suit is brought against the Insured to divest the Insured of its interest as Insured because of this right, claim or interest.
- Mineral reservations and/or mineral interests as set out in Volume 404, Page 137, Real Property Records, El Paso County, Texas.

Exceptions
- Right of Way Deed to State of Texas, dated July 30, 1997, recorded in Volume 3255, Page 1414, Real Property Records of El Paso County, Texas.
- Terms, conditions and stipulations of that certain Temporary Transmission/Distribution Easement Agreement dated December 27, 2012, by and between Keith B. Deputy, Christy R. Deputy and Deputy Farms, Inc., a Texas Corporation and El Paso Electric Company, a Texas Corporation, dated December 27, 2012 recorded under Clerk's File No. 20130007797, Real Property Records of El Paso County, Texas.

Exceptions
- Terms, conditions and stipulations of that Temporary Construction Easement, by and between Keith B. Deputy, Christy R. Deputy and Deputy Farms, Inc., a Texas Corporation and El Paso Electric Company, a Texas Corporation, dated December 27, 2012, recorded under Clerk's File No. 20130007798, Real Property Records of El Paso County, Texas.

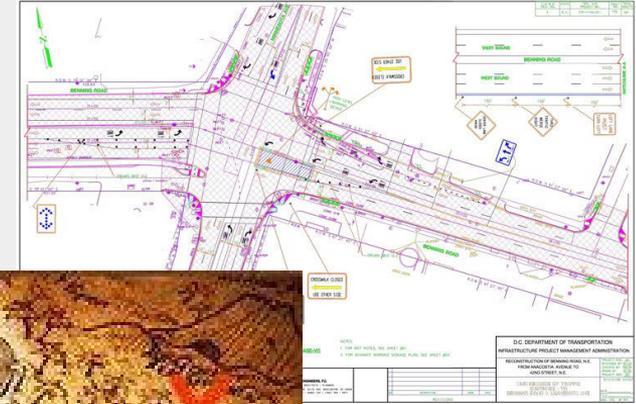


- Metes and bounds description is a surveying method for defining land boundaries.
- It uses local geography and landmarks, starting from a **Point of Beginning**.
- **Surveyors use measurements, directions, and markers for accuracy.**
- It's used for irregularly shaped land or where the rectangular survey system isn't applicable.
- These descriptions are crucial in property deeds to avoid disputes and establish clear ownership and location.

What is a Metes and Bounds



- Entertainment Center Assembly Manual
- Construction Plans
- Treasure Map-Where's the booty
- Written Instructions of where the boundary lies.





- The Legal Description of the parcel
- Point of Commencement
- Point of Beginning
- Bearings and Distance
- To a Point
- Area in square feet and acres

METES AND BOUNDS DESCRIPTION

The Legal Description of the parcel

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Point of Commencement

COMMENCING at a found ½ inch rebar on the northerly right of way line of Arcraft Road (SH-178) (right-of-way width varies); Thence, N 89°36'25" E, a distance of 497.78 feet to a found ½ inch rebar with aluminum cap on the said northerly right-of-way line; Thence, S 00°22'36" E, leaving said northerly right-of-way line, a distance of 220.16 feet to a found ½ inch rebar with aluminum cap on the southerly right-of-way line of said Arcraft Road, and being the **POINT OF BEGINNING**; **Point of Beginning**

THENCE, North 89°36'30" East, a distance of 604.48 feet, to a set 5/8 inch rebar with aluminum cap stamped "FXS RPLS 2198"; **Bearings and Distance To a Point**

THENCE, South 45°23'30" East, a distance of 35.61 feet, to a set 5/8 inch rebar with aluminum cap stamped "FXS RPLS 2198" on the west right-of-way line of Westside Drive (50.00' wide right-of-way);

THENCE, South 00°23'46" West, with said west right-of-way line, a distance of 24.83 feet, to a set 5/8 inch rebar with aluminum cap stamped "FXS RPLS 2198";

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THENCE, South 89°36'30" West, a distance of 245.04 feet, to a set 5/8 inch rebar with aluminum cap stamped "FXS RPLS 2198";

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THENCE, North 23°55'49" East, along said State Line, passing a monument marked "NM-TX" found at the intersection of the south right-of-way line of Pete V. Domenici Blvd. (New Mexico State Highway 136) (400.00' wide right-of-way) and the New Mexico-Texas State Line, at a distance of 55.52 feet, continuing for a total distance of 156.60 feet, to a 5/8 inch rebar with aluminum cap stamped "FXS RPLS 2198" set on the southerly right-of-way line of said Arcraft Road;

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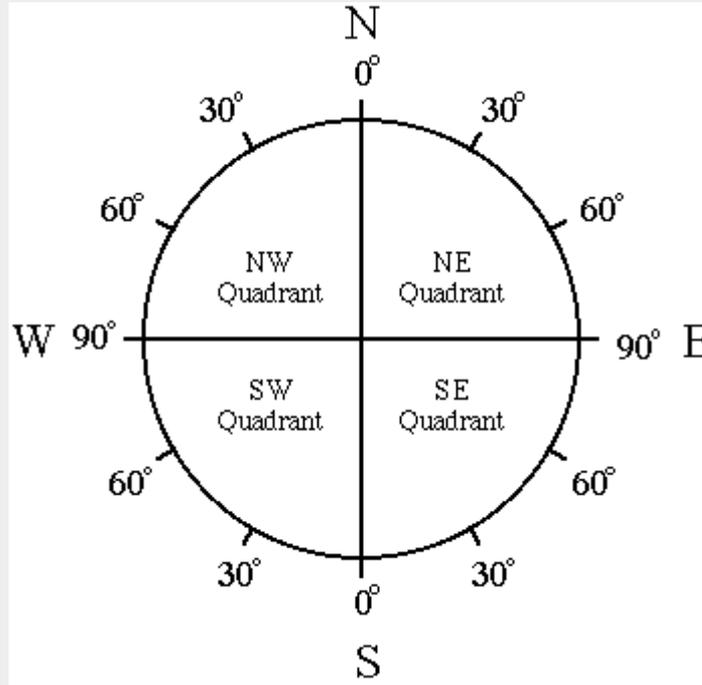
THENCE, North 89°36'30" East, continuing with said right-of-way line, a distance of 232.50 feet, to a set 5/8 inch rebar with aluminum cap stamped "TXS RPLS 2198";

THENCE, North 60°05'49" East, continuing along said right-of-way line, a distance of 152.25 feet, to the **POINT OF BEGINNING**, containing 3.094 Acres (134,773 square feet) of land, more or less.

Area in square feet and acres



- Quadrant Bearings
 - NE
 - SE
 - SW
 - NW
- Measured in units of
 - Degrees
 - Minutes
 - Seconds



- Distance
 - US Survey Feet
 - Int Feet = 0.999998
 - Varas = 2.77778
 - Chains = 66 feet
 - Rods = 16.5 feet
 - Links = 0.66 feet
 - Yard = 3 feet
 - Meters=3.28084 feet

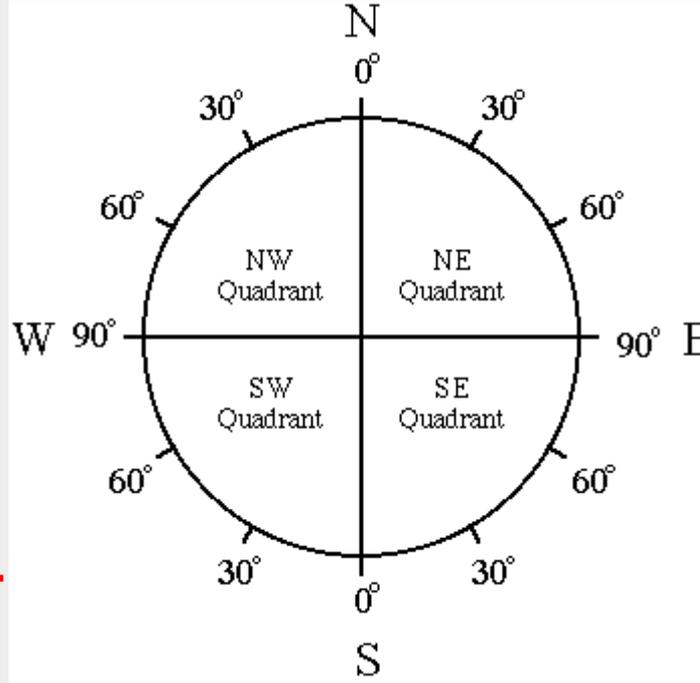


- Quadrant Bearings

- NE
- SE
- SW
- NW

- Measured in units of

- 1 Degree = **60 Mins.**
- 1 Minute = **60 Secs.**
- Seconds



- Distance

- **US Survey Feet**
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EASEMENT DESCRIPTION

Being a parcel of land situate in Tracts 1J3, 1J1B, and 1K2, Block 10, Upper Valley Surveys, City of El Paso, El Paso County, Texas, adjacent to the Southerly right-of-way line of Artcraft Road and more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with cap found at the northwest corner of said Tract 1J3 and on the Southerly right-of-way line of Artcraft Road (SH 178)*;

Thence, along said right-of-way line the following three courses:

South 86°27'58" East 1163.27 feet to a point;

North 83°04'56" East 228.88 feet to a point;

South 03°16'29" West 25.40 feet to a point;

Thence, leaving said right-of-way line South 83°04'55" West 226.67 feet to a point;

Thence, North 86°27'58" West 977.36 feet to a point;

Thence, South 87°40'34" West 163.07 feet to a point;

Thence, North 28°25'31" West 49.08 feet to the POINT OF BEGINNING, containing 36,045 sq. ft. or 0.827 acres.

Basis of Bearing is Grid North, Texas State Plane Coordinate System, Texas Central 4203.

*Right-of-Way information provided by Tx DOT according to State of Texas Department of Transportation Plans of Proposed Right-of-Way Project, SH 178 (Artcraft Road), Revision Date: 5-15-97 and 11-8-00.

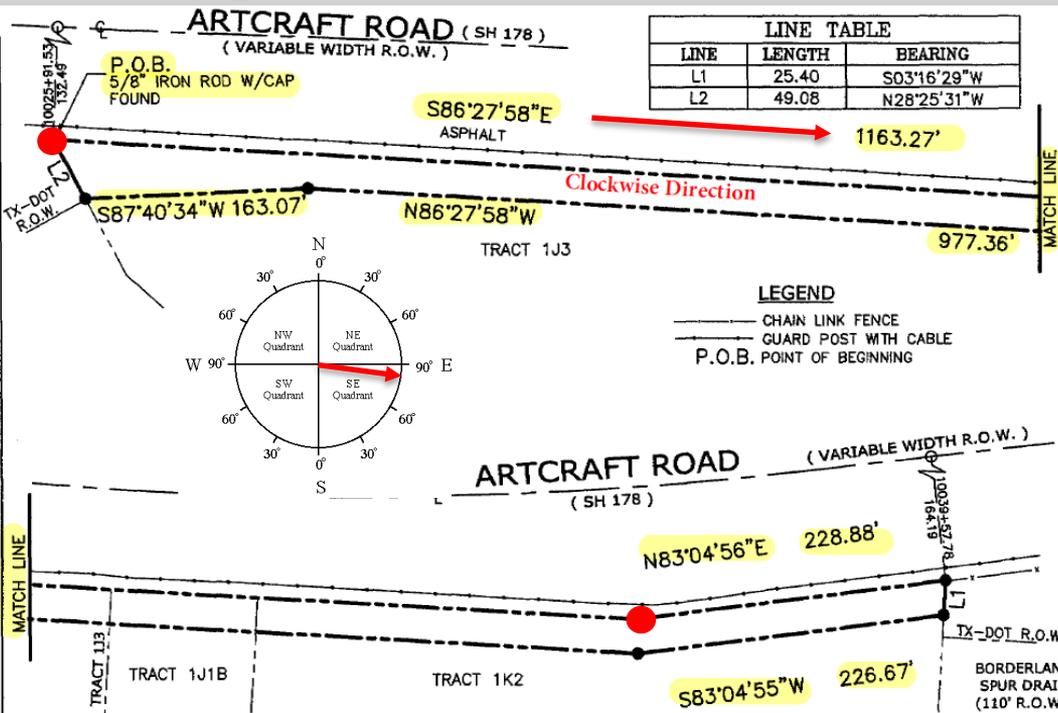
BASIS OF BEARINGS

BASIS OF BEARINGS IS GRID NORTH, TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL 4203. BEARINGS IN PARENTHESES ARE RECORD BEARINGS.

CERTIFICATION



PORTIONS OF TRACT 1J3, 1J1B AND 1K2, BLOCK 10, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS





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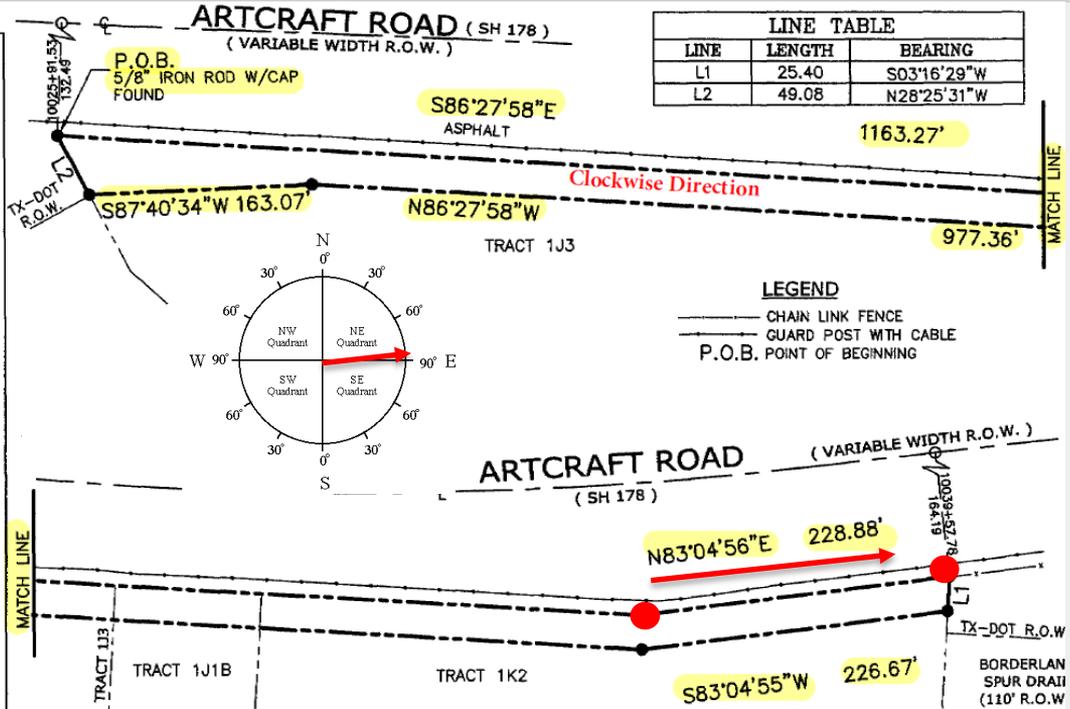
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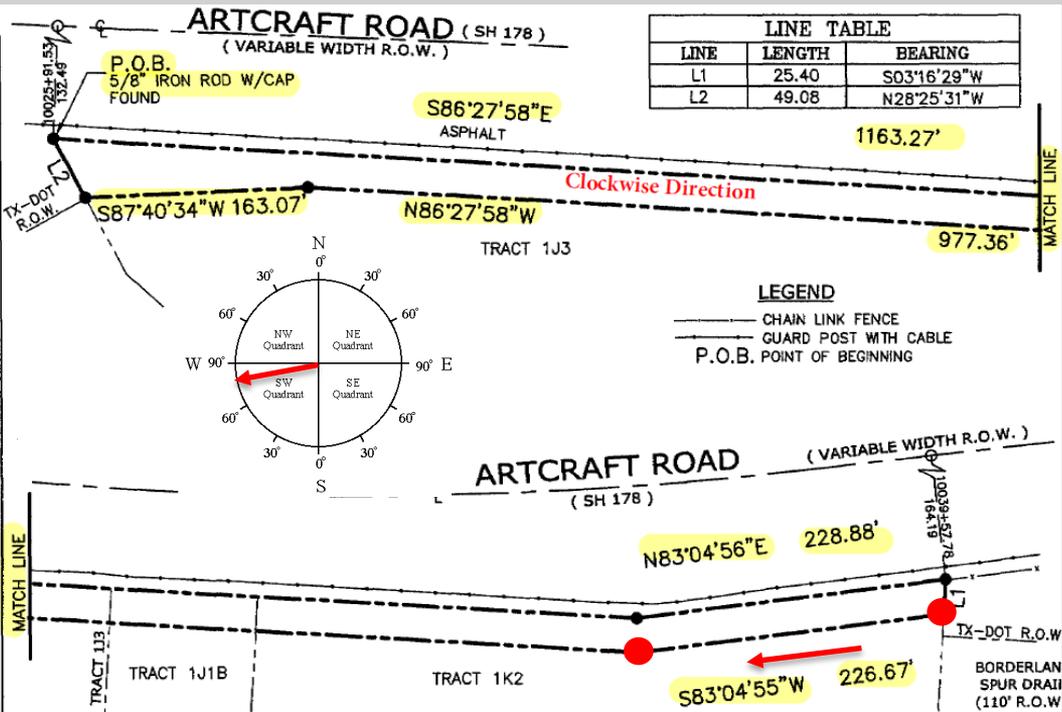
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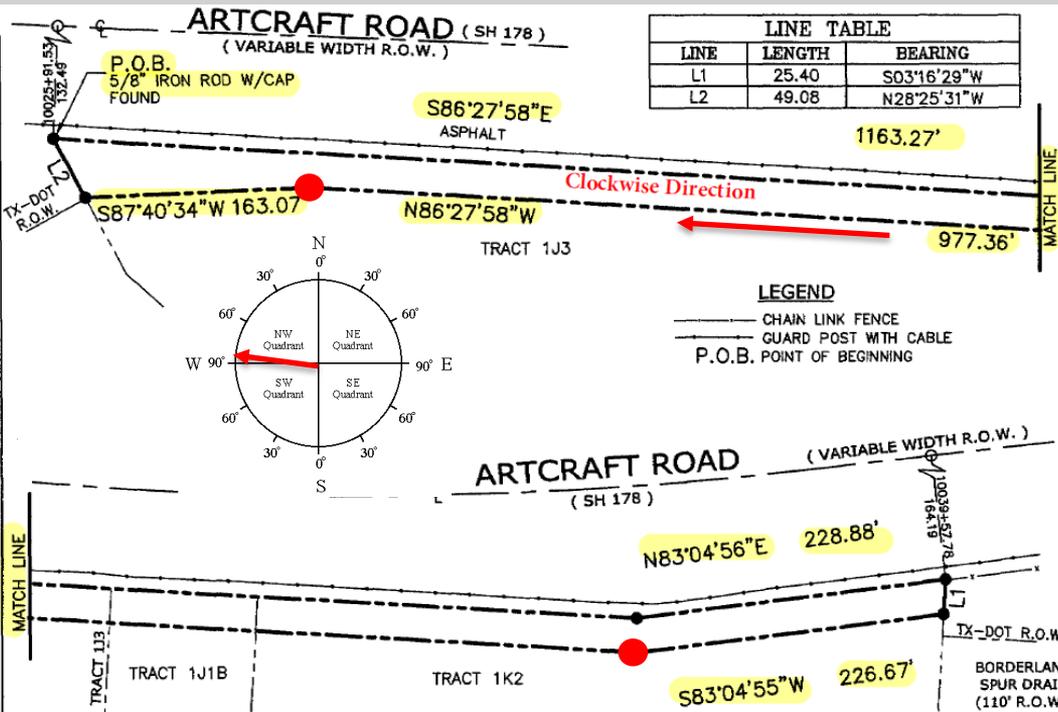
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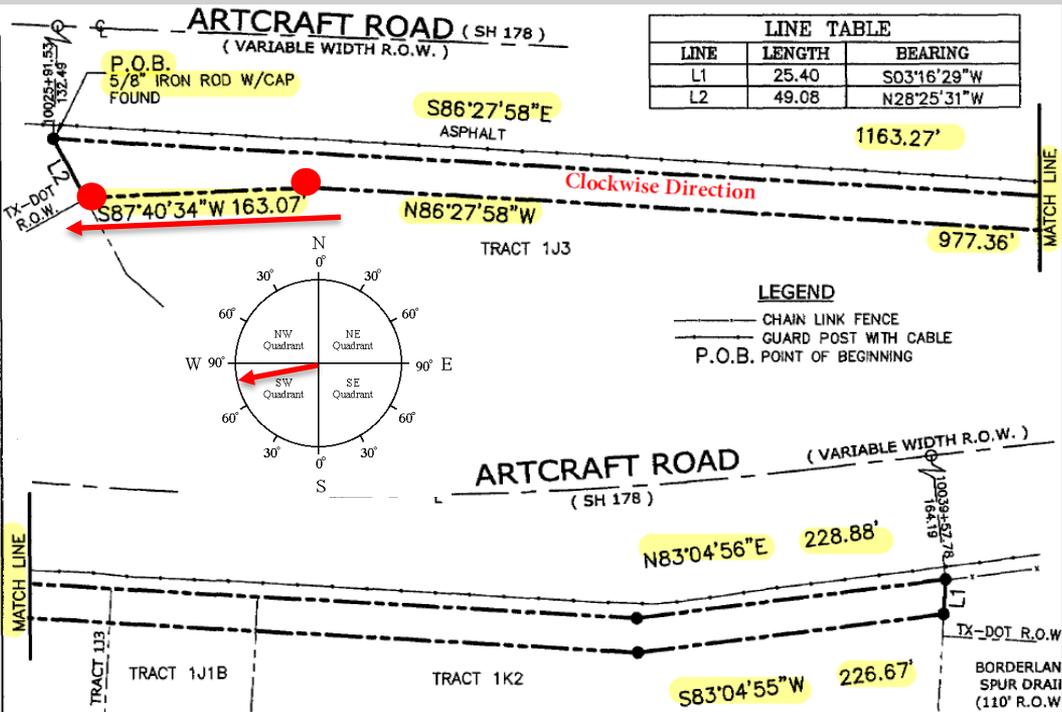
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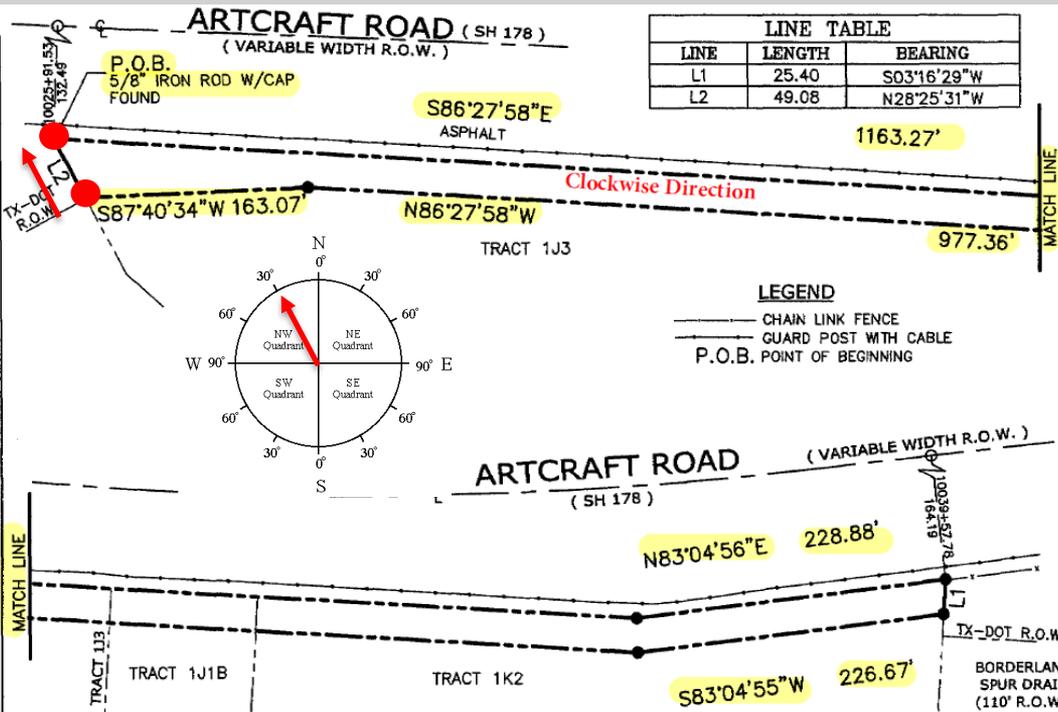




EXHIBIT "A"

September, 2023
P00066680.001
Page 1 of 4

COUNTY: El Paso
HIGHWAY: SH 178
LIMITS: From New Mexico and Texas State Line to IH 10
PROJECT ID: R00005569
RCSJ: 3592-01-012
CCSJ: 3592-01-009

Property Description for Parcel P00066680.001

Being 0.0511 acres (2,227 square feet) of land located in the W. H. Lenox Survey Number 432, El Paso County, Texas, being out of a called 16.531 acre tract of land described in deed from Helen of Troy, L.P. to Dick Poe Family Limited Partnership, recorded in Document Number 20070086495 of the Official Public Records of Real Property of El Paso County (O.P.R.R.P.E.P.C.), executed September 06, 2007, said 0.0511 acres of land being more particularly described as follows:

COMMENCING at a found 1/2 inch iron rod with a cap stamped "TX 6085" for the northeast corner of said Dick Poe Family Limited Partnership tract and the northwest corner of Lot 7, Block 1, El Paso West Unit Two, Replat A, recorded in Volume 65, Page 19 of the El Paso County Plat Records (E.P.C.P.R.), being on the south line of a tract of land described in deeds to City of El Paso, Texas, recorded in Document Number 20200026007 and Document Number 20200026008 O.P.R.R.P.E.P.C. and the south line of Lot 1, Block 1, El Paso West, recorded in Volume 57, Page 5 E.P.C.P.R.;

THENCE, North 86°44'10" West, along the north line of said Dick Poe Family Limited Partnership tract, the south line of said City of El Paso, Texas tract and the south line of said Lot 1, a distance of 446.03 feet to a TXDOT Type II monument, set, for the POINT OF BEGINNING (N=10,704,224.18, E=358,511.54) and the northeast corner of the herein described parcel, being on the proposed east right of way line of SH 178, located 1,419.45 feet right of SH 178 Proposed Centerline Station 271+46.02;

1. THENCE, South 06°49'19" East, along the proposed east right of way line of SH 178, a distance of 155.83 feet to a TXDOT Type II monument, set, for the southeast corner of the herein described parcel, located 1,575.27 feet right of SH 178 Proposed Centerline Station 271+43.79;
2. THENCE, South 82°46'42" West, continuing along the proposed east right of way line of SH 178, a distance of 11.65 feet to a TXDOT Type II monument, set, for the southwest corner of the herein described parcel, being on the existing east right of way line of Interstate Highway 10 (IH 10) (width varies) described in deed to The State of Texas, recorded in Volume 1320, Page 231, Volume 1320, Page 233, Volume 1320, Page 251 and Volume 1536, Page 475 of the El Paso County Deed Records (E.P.C.D.R.), located 1,575.18 feet right of SH 178 Proposed Centerline Station 271+32.13;

EXHIBIT "A"

September, 2023
P00066680.001
Page 2 of 4

3. THENCE, North 08°38'19" West, along the existing east right of way line of said IH 10, a distance of 158.96 feet to a found 5/8 inch iron rod with a cap stamped "RPLS 4178" for the northwest corner of said Dick Poe Family Limited Partnership tract, the southwest corner of said City of El Paso, Texas tract, the southwest corner of said Lot 1 and the northwest corner of the herein described parcel;
4. THENCE, South 86°44'10" East, along the north line of said Dick Poe Family Limited Partnership tract, the south line of said City of El Paso, Texas tract and the south line of said Lot 1, a distance of 16.96 feet to the POINT OF BEGINNING and containing 0.0511 acres (2,227 square feet) of land.

Bearings and coordinates are referenced to the Texas Coordinate System of 1983, NAD83 (2011 Adj., Epoch 2010), Central Zone (4203), and the TXDOT RTN Mount point NAD83 (2010)-West_VRS_RTCM. All distances and coordinates shown are surface values and may be converted to state plane values by dividing by the surface adjustment factor of 1.00023100 (Surface / 1.00023100 = State Plane).

The unit of measure is the U.S. Survey Foot.

Field Surveys were performed March, 2022 through July, 2022.

Research was performed February, 2022 through March, 2022.

A parcel plat of even date was prepared in conjunction with this property description.

Survey Date: July 21, 2022

Access will be permitted to the remainder abutting the highway facility.

I, Adam N. Diehl, a Registered Professional Land Surveyor, do hereby certify that this property description is a true and correct representation of a survey made on the ground, under my direction and supervision.



PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

Adam N. Diehl
Registered Professional Land Surveyor
Number 6346

LANDTECH

2525 North Loop West, Suite 300
Houston, Texas 77008
T: 713-861-7068
F: 713-861-4131

www.landtech-inc.com

TBPELS Reg. No. 10019100 Houston

TBPELS Reg. No. 10019101 El Paso



EXHIBIT "A"

September, 2023
P00066680.001
Page 1 of 4

COUNTY: El Paso
HIGHWAY: SH 178
LIMITS: From New Mexico and Texas State Line to IH 10
PROJECT ID: R00005569
RCSJ: 3592-01-012
CCSJ: 3592-01-009

Property Description for Parcel P00066680.001

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EXHIBIT "A"

September, 2023
P00066680.001
Page 2 of 4

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PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

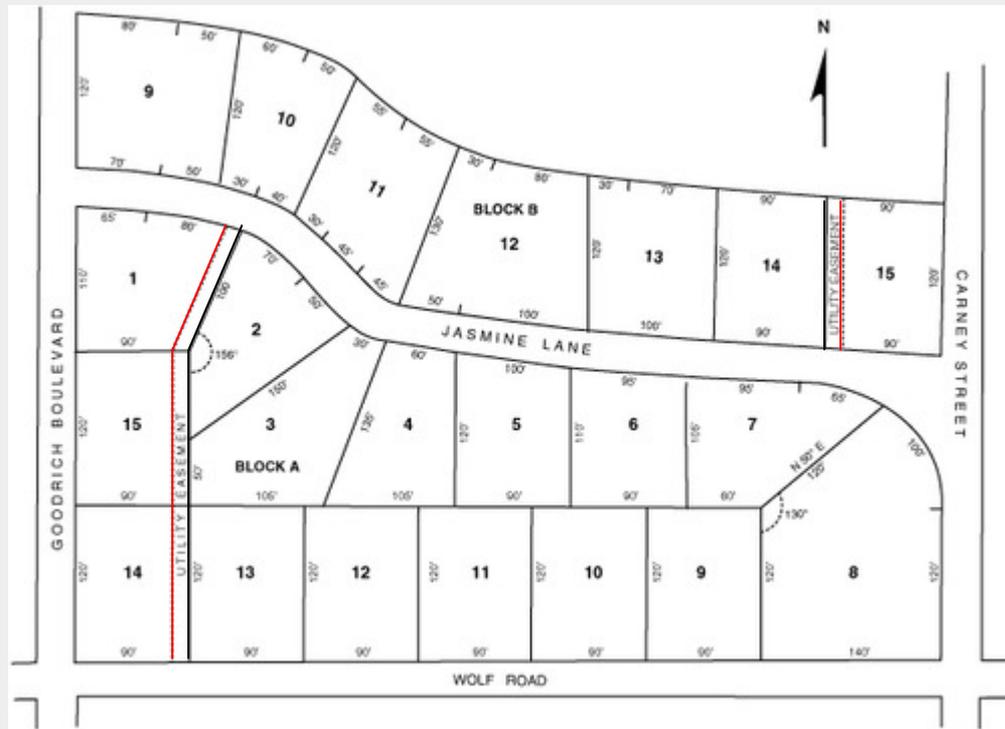
Adam N. Diehl
Registered Professional Land Surveyor
Number 6346

LANDTECH

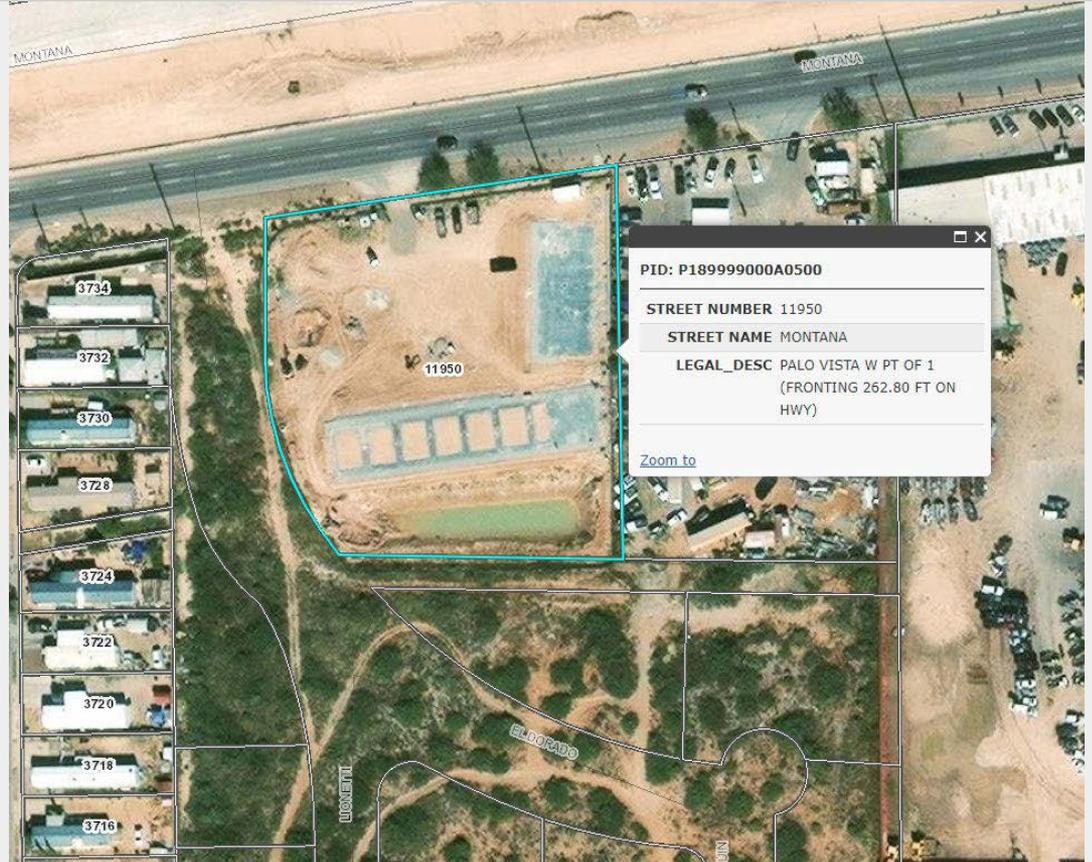
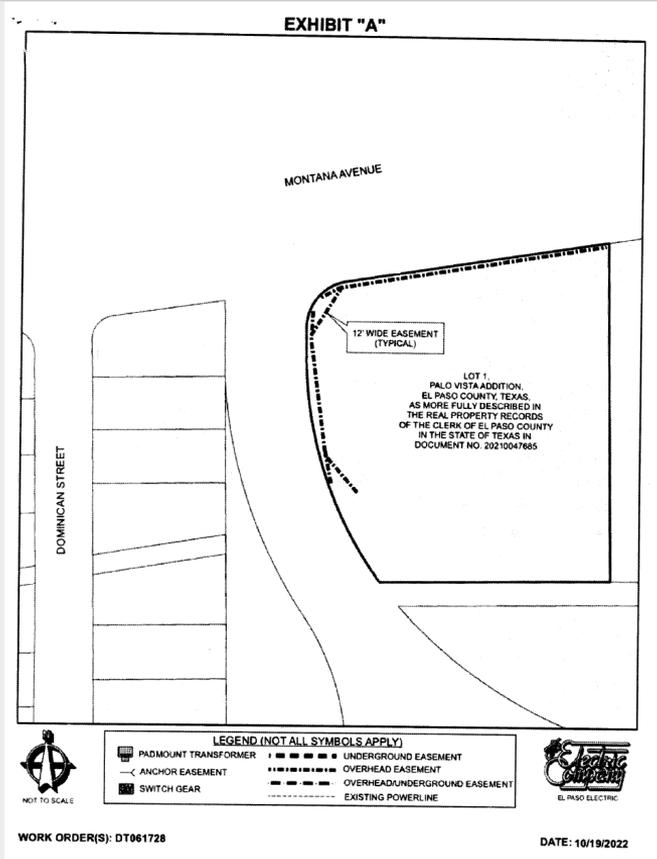
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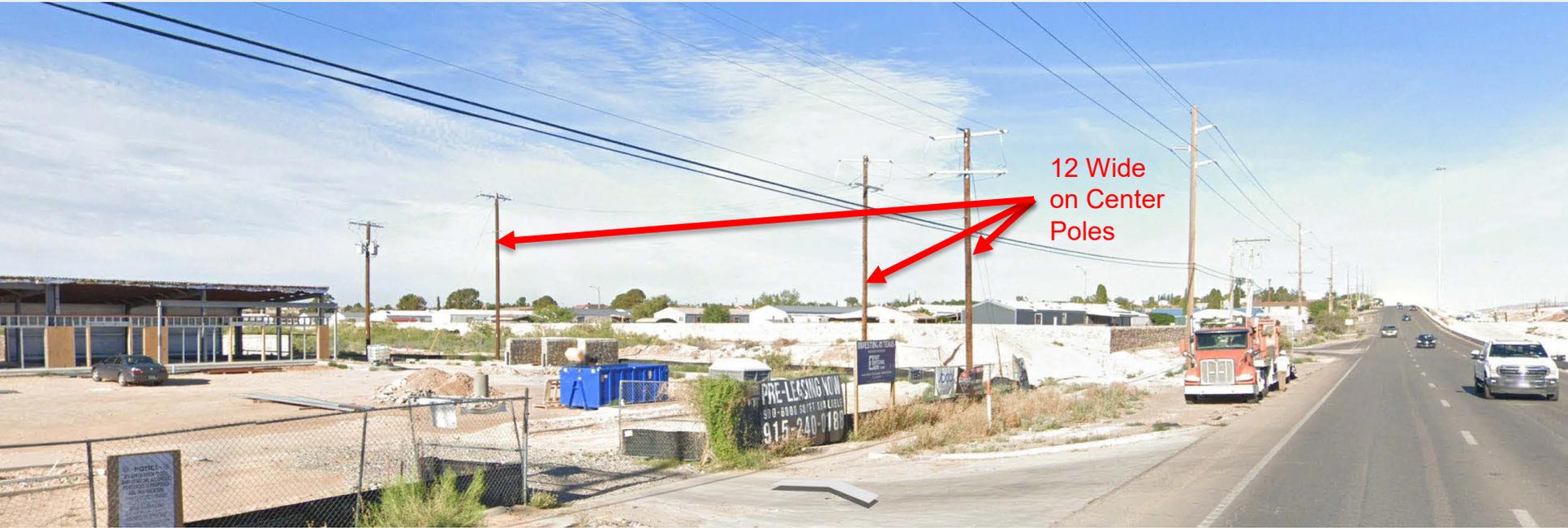
- The east 10 feet of Lot 15, Block A
- The east 10 feet of Lot 14, Block A
- The east 10 feet of Lot 1, Block A
- The west 10 feet of Lot 15, Block B
- The north 10 feet of Lot ...
- The south 10 feet of Lot ...



Utility Sketch









- Grantor City of El Paso
- Grantee E.P.E.Co.
- A single line of wood poles
- Sections 33 and 40
- Right to trim trees
- No location
- No width

Location Index 2819

THE STATE OF TEXAS

COUNTY OF EL PASO 78946

For and in consideration of the sum of One Dollar and other good and valuable considerations the receipt of which is hereby acknowledged, the City of El Paso grants unto El Paso Electric Company, their successors and assigns, the right, privilege and easement to enter upon and erect, construct, operate and maintain a single line of wood poles at any time with all necessary wires, crossarms, conduits and fixtures and other usual appurtenances for the transmission of electricity and power over, upon and along the following described premises in El Paso County, Texas, to wit:

An easement for a line of wood poles in sections 33 and 40, Block 80, Township 2, T.& P.R.R. surveys as shown on the attached print and made a part hereof.

including an easement for the overhang of service wires along with the right to trim any trees along said lines so as to keep the wires cleared at least thirty-six inches, to erect and set the necessary brace poles, anchors, and guy wires, and to do any necessary thing properly to operate and maintain same.

This easement shall be for the term of the El Paso Electric Company's franchise and any extension and renewal thereof by the City of El Paso and subject to the terms of said franchise as to removal.

[Signature]

Vague Language



Parcel 76 & Parcel 212

9/6 9400031-5/3-51-2
Location No. Tarrant

ELECTRIC LINE — RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS: that the undersigned: _____
for a good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant unto THE TRI-COUNTY ELECTRIC CO-OPERATIVE, INC., a cooperative corporation (hereinafter called the "Cooperative"), whose post office address is AZLE, TEXAS, and to its successors or assigns, the right to enter upon the lands of the undersigned, situated in the County of Tarrant, State of Texas, and more particularly described as follows:

A tract of land located approximately 6 miles N E S W from the town of Saginaw Texas; and being bounded on the north by the land of J Road, and on the east by Road, on the south by Guy Foley, and on the west by the land of County Road, and to construct, reconstruct, rephase, operate and maintain on the above described lands and/or in or upon all streets, roads or highways abutting said lands, an electric transmission or distribution line or system, to cut and trim trees and shrubbery that may interfere with or threaten to endanger the operation and maintenance of said line or system, and to license, permit, or otherwise agree to the joint use or occupancy of the line or system by any other person, association, or corporation, for electrification or telephone purposes.

The undersigned agree that all poles, wires and other facilities, including any main service entrance equipment, installed at the Co-operative's expense shall remain the property of the Co-operative, removable at the option of the Co-operative, upon termination of service to or on said lands.

The undersigned covenant that they are the owners of the above described lands and that said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

IN WITNESS WHEREOF, the undersigned have set their hands and seals this _____ day of _____

_____, 19_____
Signed, sealed and delivered in the presence of:

A.A. Allen
Saginaw RR#1 Box 277

THE STATE OF TEXAS

- Shows no Grantee
- Somewhere in Tarrant County
- 6 miles NE of Saginaw TX
- Bounded North by Road,
- Bounded East by Road,
- Bounded West by Guy Foley,
- Bounded South by County Road
- Executed by A. A. Allen
- ????

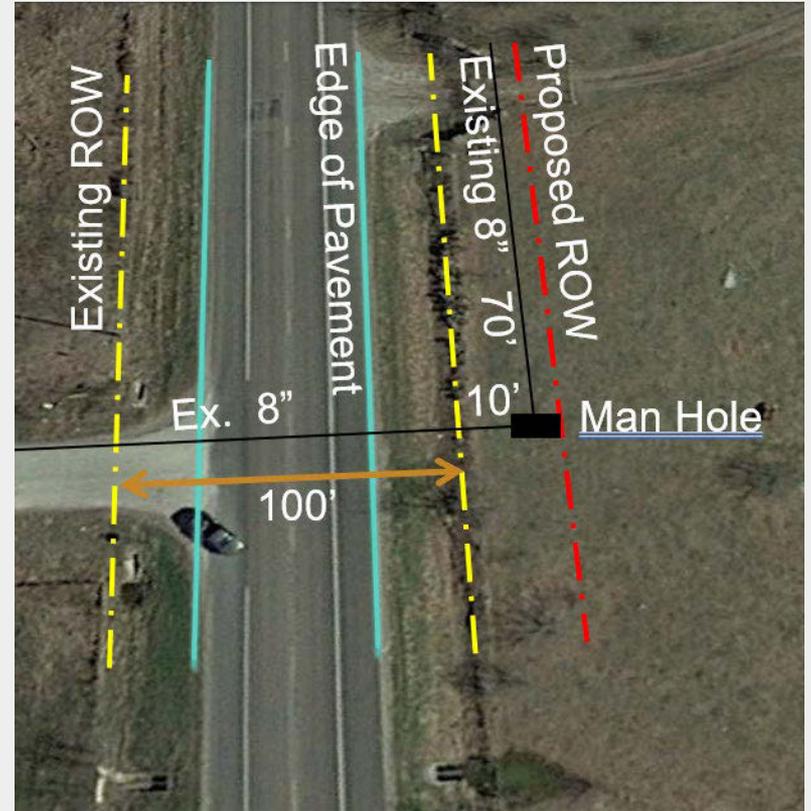


- Coordinate with the utility companies
 - Can provide GIS data of their infrastructure
- Drop in on your survey coordinator
 - Can provide right of way maps
- Check in with your consultants
 - Do a lot of the leg work before hand
- Title Abstract or Title Commitment
 - List of encumbrances, easements attached to the land





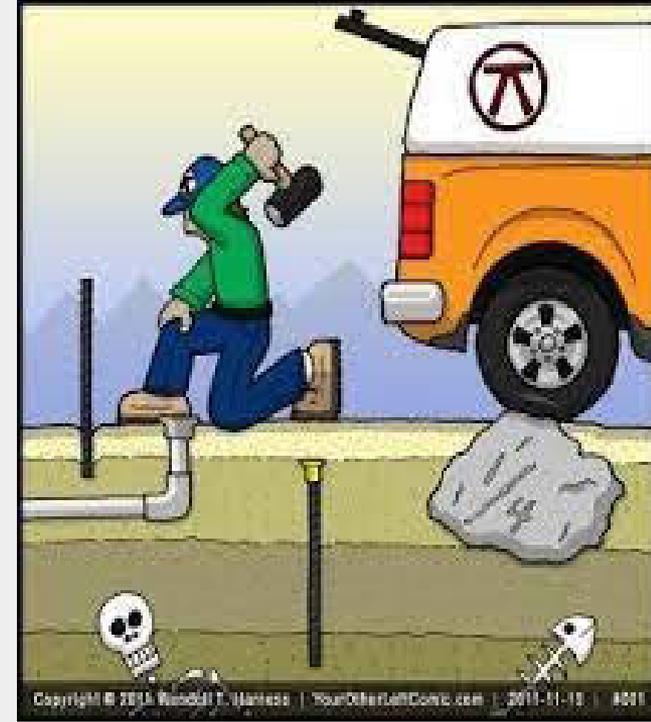
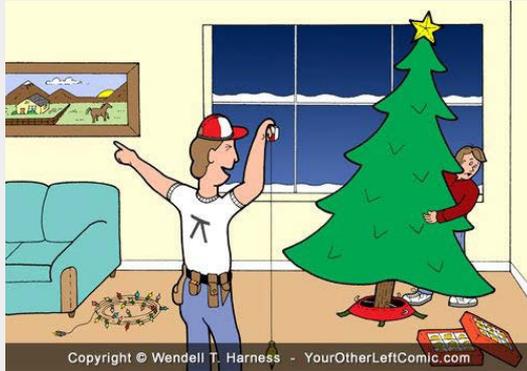
- Site visit
 - Where is the ROW?
 - Where is the proposed ROW?
 - Where are the utilities?
 - Visible or Underground
- Who are our stake holders
 - New development=New stake holder

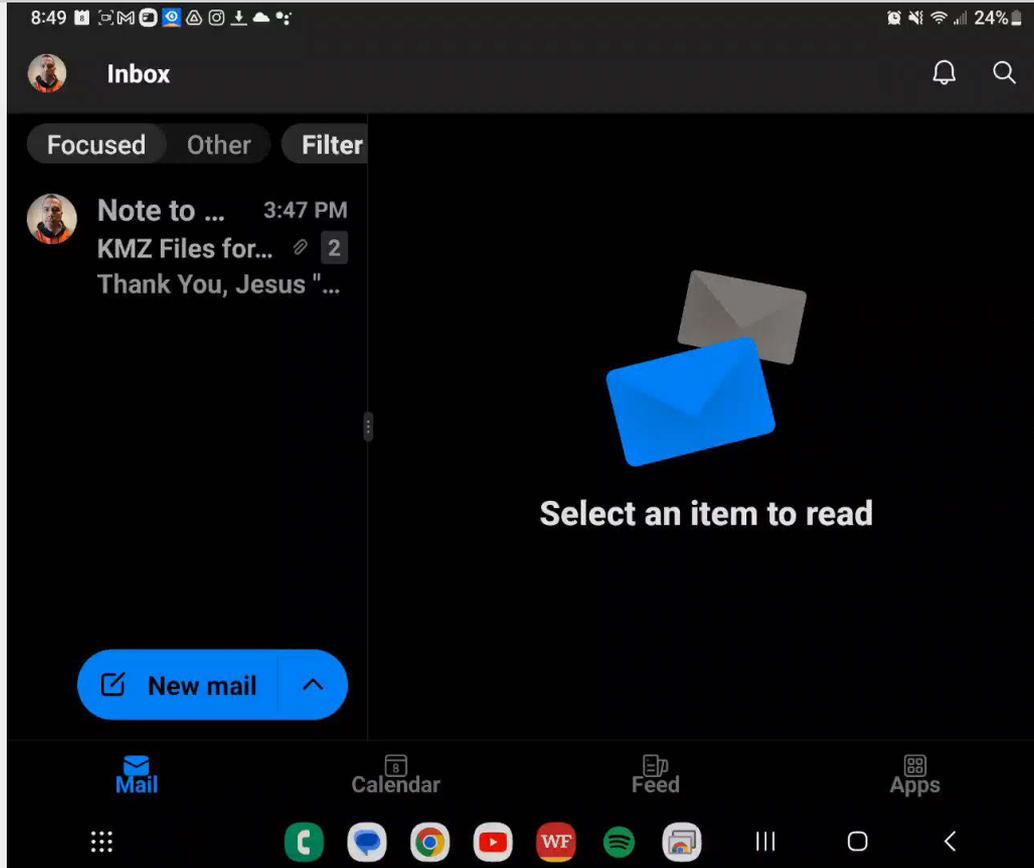


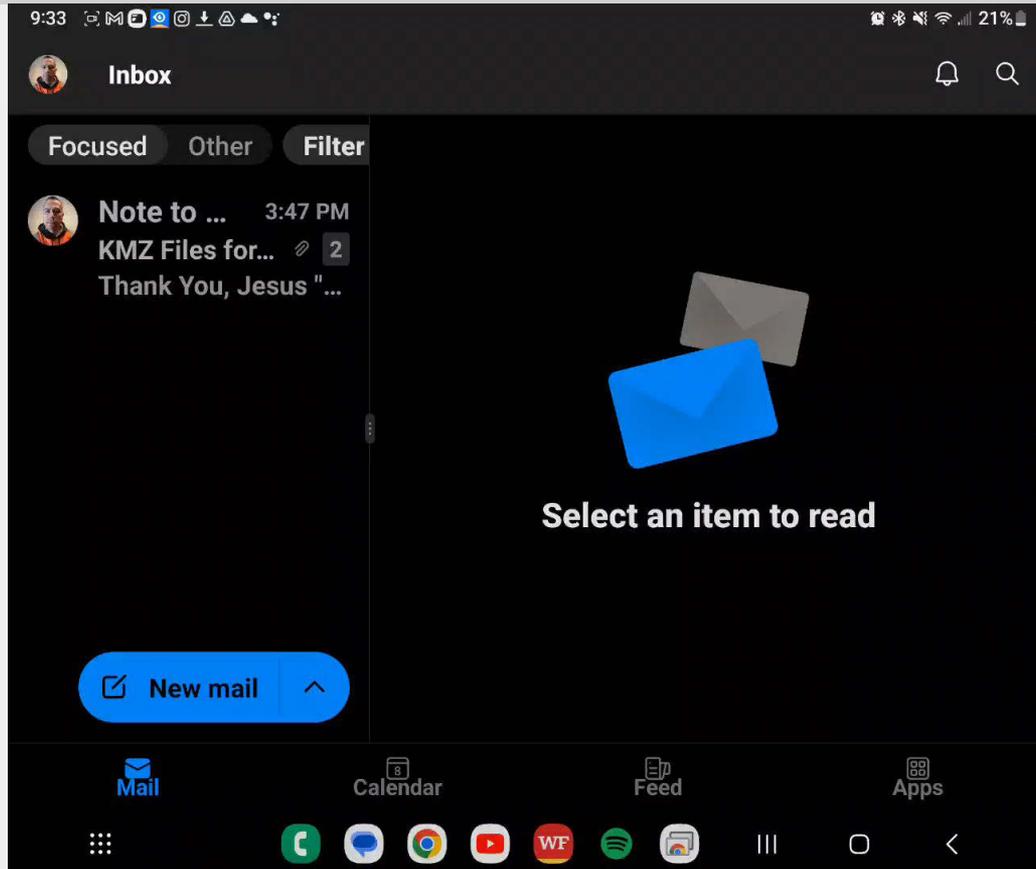
How can we assist.



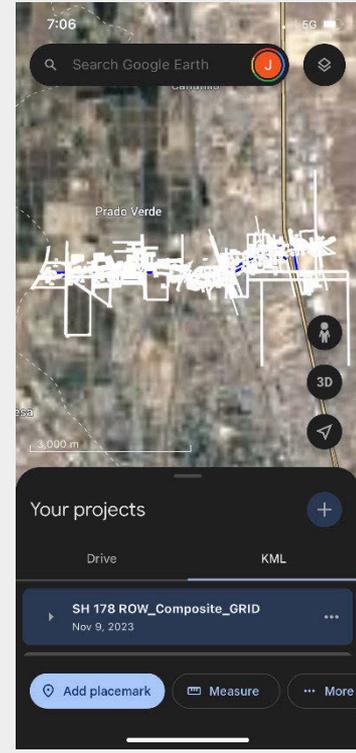
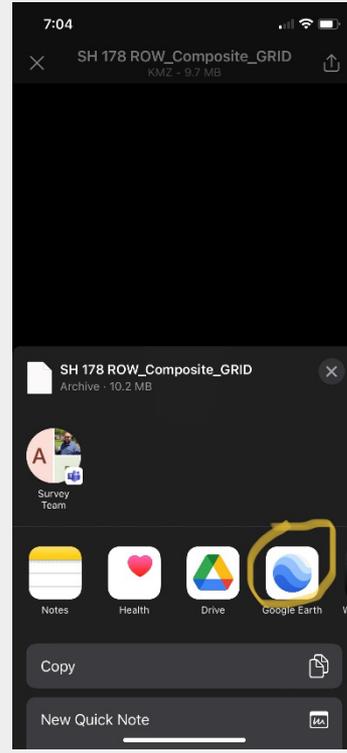
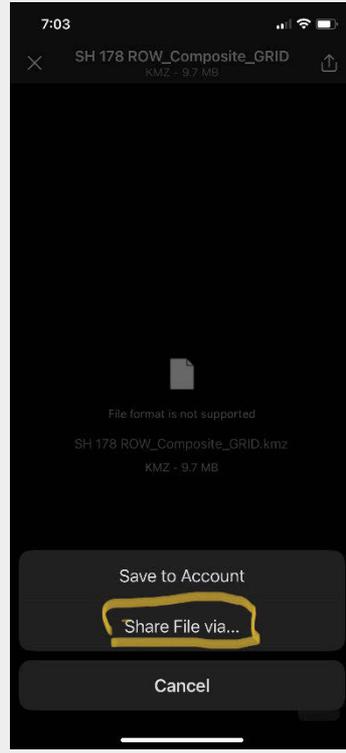
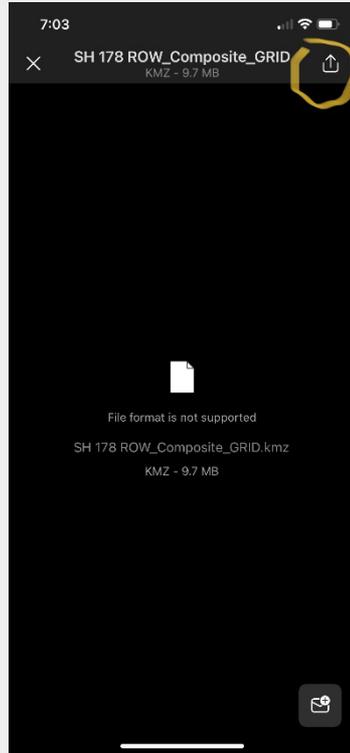
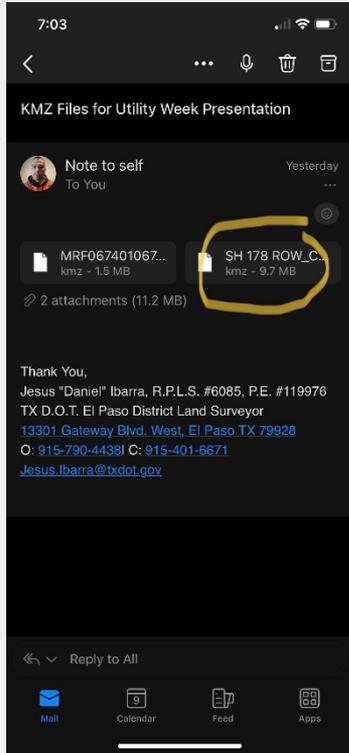
- Provide ROW Maps
- Walk the Site
- Provide insight
- Layout the ROW
- Plum your Xmas tree

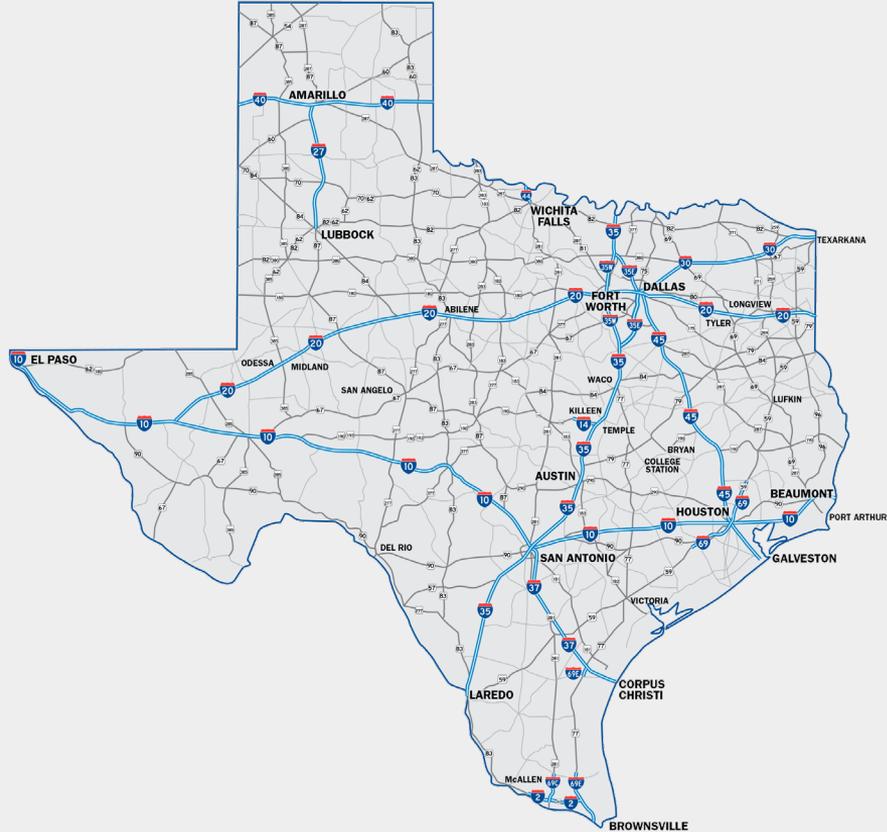






Open KMZ on iPhone





Daniel Ibarra, R.P.L.S./P.E.
ELP District Surveyor
915-790-4438
Jesus.Ibarra@txdot.gov



Thank You!