### 7.06 EA-01: Easement Standards

This Easement Standards section applies to the following types of development:

ST CV CS TD TN ZL SC CD IP DP PD

A. Cross-Reference:

1. *Private Street Easements*: For details concerning private street easements, see *Section 7.22: Private Street and Access Standards*.
2. *Temporary Turnaround Easements*: For details concerning temporary turnaround easements, see *Section 7.21(C)(5): Temporary Turnarounds*.
3. *Utility Easements*: For details concerning utility easements, see *Section 7.33: Utility Standards*.
4. *Drainage Easements*: For details concerning drainage easements, see *Section 7.20: Storm Water Standards*.

B. Cross-access Easements:

1. *Description*: A cross-access easement applies to shared driveways, shared access, and parking lots.
2. *Instrument Specifications*: When required by the Unified Development Ordinance, each property owner of record shall execute a cross-access easement instrument in favor of the adjoining property owner. The cross-access easement instrument shall be signed by the owner or an authorized representative of the owner of all associated properties. The cross-access easement instrument shall include the following language:
   a. Identify the development with which the cross-access easement (CAE) is associated.
   b. The cross-access easement (CAE) shall grant the general public the right to utilize the easement for purpose of accessing adjoining parking lots.
   c. The cross-access easement (CAE) shall prohibit any person from parking vehicles within the easement, unless the cross-access easement (CAE) is for a parking lot.
   d. The cross-access easement (CAE) shall prohibit any person, including the property owner, from placing any obstruction within the easement.
   e. The cross-access easement (CAE) shall be binding on all heirs, successors, and assigns to the property on which the cross-access easement is located.
   f. The cross-access easement (CAE) shall be enforceable by the owners of each associated property, the City, and any other specially affected persons identified in the cross-access easement.
   g. The cross-access easement (CAE) shall provide for modification or termination in a manner specified in the Unified Development Ordinance.
   h. The cross-access easement (CAE) shall be cross-referenced to the most recently recorded deeds of the associated properties.
   i. The cross-access easement (CAE) shall include a metes and bounds description of the easement.
3. *Cross-access Easement Certificate*:
   a. When a secondary plat, development plan, or final plan of a planned development is being recorded, the applicant may forego a separate cross-access easement instrument in favor of printing the following "Cross-access Easement Certificate on the recordable instrument: “Areas on these plans designated as a ‘Cross-access Easement’ or abbreviated as "CAE" are established in favor of the adjoining property owner, and grant the public the right to enter the easement for purposes of accessing adjoining parking lots. These easements prohibit any person from parking vehicles within the easement, and prohibit the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The grantee or the City may enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in the Unified Development Ordinance, or its successor ordinance.”
   b. The dedication and acceptance of any cross-access easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication and Acceptance signed by the appropriate property owners, or their agents.
   c. If the Declaration of Covenants is included on the recordable instrument, the cross-access easement certificate clearly be shall separate from the Declaration of Covenants.

C. General Easements:

1. *Instrument Specifications*: When an easement is required by the Unified Development Ordinance or an easement is required per a commitment or condition of approval, but the standards for the easement type are not specified, the property owner of record shall execute the easement instrument in favor of the appropriate parties (e.g. the general public, City, specific abutting property owner). The easement instrument shall be signed by the property owner of record granting the easement and an authorized representative of the appropriate party accepting the easement. The easement instrument shall include the following language:
   a. Identify the project or development with which the easement is associated.
   b. Specify those activities the appropriate parties are authorized to perform in the easement.
   c. Specify those activities the property owner of record is prohibited from performing in the easement.
   d. Be binding on all heirs, successors, and assigns to the property on which the easement is located.
   e. Be enforceable by the property owner of record, any appropriate parties, and the City.
   f. Provide for modification in the manner stipulated in the Unified Development Ordinance.
   g. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established.
   h. Include a metes and bounds description of the easement.
   i. Be signed by an authorized representative of the property owner of record granting the easement and by an authorized representative of the grantee accepting the easement.
2. *Easement Certificate*:
   a. When a secondary plat, development plan, or final plan of a planned development is being recorded, the applicant may forego a separate easement instrument in favor of printing an easement certificate, the content of which has been approved by the Plan Commission Attorney, on the recordable instrument.
   b. The dedication and acceptance of any easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication and Acceptance signed by the appropriate property owners, or their agents.
   c. If the Declaration of Covenants is included on the recordable instrument, the easement certificate clearly be shall separate from the Declaration of Covenants.