

# **Colorado Springs Utilities Easement Submittal and Review Procedures for Easements Granted by Separate Instrument**

**Please contact the Utilities Development Services (“UDS”) department of Colorado Springs Utilities (“Springs Utilities”) at 719 668-8111 for questions regarding the procedures that will be used by Springs Utilities to review utility easements granted to the City of Colorado Springs (“City”) on behalf of Springs Utilities.**

## **1.0 Definitions**

1.2. **Easement** – a right, privilege or liberty which Springs Utilities has in land owned by another; a right to a limited use of another’s land for some special and definite purpose. It is not ownership of the land, but it includes the right to enter upon the land for the purpose(s) for which it was granted.

1.3. **Easement by Plat** – the establishment of an easement through the City’s subdivision platting process. Accordingly, easements that are identified on a final subdivision plat must be dedicated to the City on behalf of Springs Utilities via the easement dedication statement together with a note on the subdivision plat acknowledging that the current recorded “Terms and Conditions for Utility Easements Granted by Plat” are applicable to all utility easements created by such plat.

1.4. **Easement by Separate Instrument** – the grant of an Easement by use of a distinct document, agreement or mechanism.

1.8. **Grantor** – the owner of the property at the time the easement is to be granted.

1.9. **Grantor’s agent** – the person who initiates the process of granting a utility corridor. Grantor’s agent(s) may include the property developer, or other person(s) preparing the easement documents.

1.10. **O&E** – A ownership and encumbrance report provided by the title company that is intended to verify the current property ownership and any encumbrances on the property. The O&E is required to identify/verify the Holder of Deeds of Trust and the current property owner.

1.11. **PEA** – Permanent Easement Agreement. Springs Utilities requires the Grantor or Grantor’s agent to use the pro forma PEA forms listed under “Downloadable Files” on the Springs Utilities web site. The PEA form requires the Grantor or Grantor’s agent to prepare and submit Exhibits A, B, and C, which are described in paragraph 2.2 below. The PEA includes the following forms:

- **Joinder** – the form attached to the PEA that must be utilized for obtaining the Joinder and Consent of Holder of Deed of Trust. This form is required if the Grantor’s property ownership is subject to a Deed of Trust or other document requiring approval by another entity prior to granting the easement.
- **Acknowledgement** – the form attached to the PEA that must be utilized for obtaining the acknowledgement of any lessee of the property. This form may be required as determined by the terms and conditions of the lease.

## **2.0 Typical Process**

2.1. The Grantor or Grantor's agent will determine the purpose, alignment, width and any specific requirements for the proposed easement.

2.2. Prior to preparing the easement document, the Grantor's agent will facilitate the preparation of Exhibit A, Exhibit B, Exhibit C (Exhibits), and construction plans showing the proposed utility installation within the Grantor's property.

Exhibit A – Legal description of the property to be burdened by the easement

Exhibit B – Legal description of proposed easement.

Exhibit C – Drawing of proposed easement and burdened property.

(The preferred Exhibits drawing size is 8.5" x 11" or 8.5" x 14" for ease of recording.)

2.3. In order to receive preliminary Springs Utilities approval of the Exhibits, the Grantor's agent may e-mail, mail, or hand deliver the Exhibits and construction plans to UDS for preliminary review.

2.4. Springs Utilities will perform a preliminary review to ensure that easement meets the requirements for utility installation.

2.5. Upon completion of review, Springs Utilities will return documents and/or provide comments to Grantor's agent for modifications as necessary.

2.6. With Springs Utilities' preliminary approval of the Exhibits, the Grantor's agent should finalize the Exhibits by assuring that the Exhibits are prepared and stamped by a Professional Land Surveyor.

2.7. Springs Utilities shall request an Ownership & Encumbrance report. The O&E should be requested within 7 days of the initial easement submittal to UDS.

2.8. The Grantor's agent shall prepare and complete the easement form, the Joinder form, and the Lessee Acknowledgement form, as required. To complete the forms, the Grantor's agent should:

- Download the PEA form, Joinder form, and Lessee Acknowledgement form from the Springs Utilities web site;
- Fill-in Grantor's information in the spaces provided in the easement form;
- Obtain the signature of Grantor on the easement (Corporate seal to be affixed if a corporation);
- Obtain proper notarization of Grantor's signature; and
- Complete and obtain duly-notarized signatures on the Joinder and Acknowledgement forms;

2.9. The Grantor's agent must then deliver all the required easement documentation to UDS. The required easement documentation should include the completed PEA form along with the final Exhibits and the completed Joinder and Acknowledgement forms by lessee, as applicable.

2.10. Springs Utilities will review to ensure that the easement documentation is complete and meets the requirements for utility installation.

2.11. Upon a successful final review of the easement documentation, Springs Utilities will record the easement with the El Paso County Clerk's office.

2.12. Upon completion of recording, Springs Utilities will email electronic copies to the Grantor's agent for their files.

2.13. Springs Utilities will file the easement documents and provide the original recorded document to the City's real estate services office for filing.

### **3.0 Resources**

3.1. Grantor's agent is required to use the most current easement documents. These documents may be accessed via the Springs Utilities web site.

3.2. Inquiries regarding easement submittal and review process may be directed to:

**Physical address**

Colorado Springs Utilities  
Utilities Development Services  
1521 Hancock Expressway  
Colorado Springs, CO 80903  
(719) 668-8259

**Mailing address**

Colorado Springs Utilities  
Utilities Development Services  
P.O. Box 1103, MC 1812  
Colorado Springs, CO 80947

(Add email, phone number and contact information.)