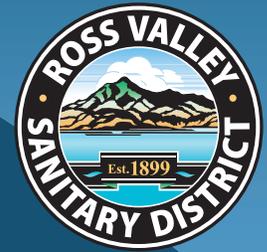


Ross Valley Sanitary District

Easements

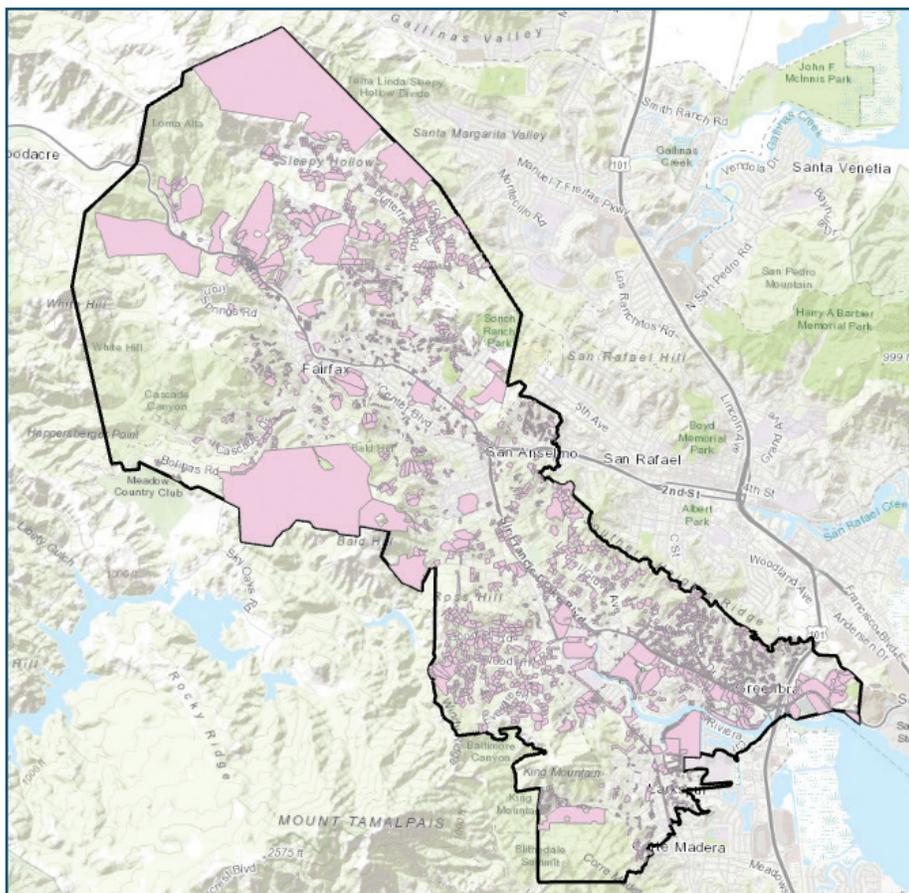
Frequently Asked Questions



Overview

To better serve our customers, Ross Valley Sanitary District (RVSD) occasionally needs to access public utility easements on private property. Routine maintenance and repair work are essential to keep the sewer system working properly. During emergency conditions, access to easement areas and the ability to work within them is essential. The types of sewer system infrastructure located on easements includes manholes, rodholes and pipes, mostly located underground. Manholes and smaller rodholes are access points on the sewer system. Their iron lids need to be uncovered and always accessible to District personnel.

RVSD has an unusually high percentage of the public sewer system on private property. For this reason, we have developed this "easement initiative" to connect with all the property owners and have a productive relationship going forward, with a goal of "no surprises". Approximately 37 percent of pipes - about 66 miles of the sewer system's total 200-miles of pipe and 34 percent of manholes - are located on 15 percent of the private parcels located within our service area. This averages out to about 35 percent of the total system being located within an easement. Some of these easements are explicitly recorded as encumbrances on private property, and the rest are prescriptive easements because they have existed in their locations for decades.



Easements provide RVSD the legal right of use and access to any of its facilities, equipment or assets that are located on private property in order to maintain the region's interconnected sewer system. This legal right of access applies whether or not the easement is officially recorded.

We want to exercise that authority in close cooperation with the private property owners of the District. Your assistance will help us continue to provide cost-effective wastewater collection service that protects public health and the environment.

Private property parcels with RVSD easements located on them.



www.RVSD.org



What is an easement?

An easement is a defined area of private property that is legally designated for specific use, access and travel through by an entity other than the property owner. There are different types of easements including the right-of-way, sewer (utilized by RVSD) and easements for public utilities such as drinking water, electricity and gas service. Easements provide RVSD the legal right of use and access to any of its facilities to repair, replace, inspect, enlarge, change, maintain, test and/or remove the sewer main inside of the easement located on private property. These types of easements:

- Cannot limit the ability of RVSD to access and utilize the easement for its intended purpose
- Must adequately allow, without interference, the construction, operation, maintenance, re-construction, inspection or repair of RVSD facilities
- Must allow for a minimum clearance of 36-inches in width, 6-feet and 8-inches in height and a turning radius of 80-inches

RVSD's authority to access private property easements as a public utility is provided by:

- **Sanitary District Act of 1923** (Health and Safety Code Section 6523.2)
- **Sanitary Code**
- **RVSD's Private Sewer Lateral Ordinance, Section 8**
- **Legal documents** such as recorded easements, maps or property deeds designating specific easements

RVSD is committed to customer service and we understand that providing access to an easement on your property can be inconvenient at times. Whenever possible, RVSD seeks to provide prior notification to our customers before gaining access to an easement on private property. Generally, these procedures apply when access is not readily attained, such as may occur with rear and side yard easements.

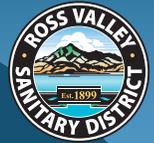
Why does RVSD need easement access?

A functioning sewage (or wastewater) collection system is complex. Wastewater from sinks, showers, toilets, washing machines and dishwashers must be collected from every business and dwelling and routed many miles to the Central Marin Sanitation Agency (CMSA) treatment plant through our 200-mile system of wastewater collection (sewer) pipelines and 19 pump stations. Sewer pipelines, also known as public sewer mains, are located in many places. In some areas, entire neighborhoods were designed so that sewer systems were placed in backyards rather than in the street. Fortunately, most new systems are no longer designed that way. Still, it is necessary for RVSD to access private property to get to sewer pipelines that may be located in a back, front or side yard. The ability to service and maintain RVSD's equipment and piping ensures that the sewer system functions properly for you and the larger community. Please see the graphic of typical front and backyard sewer configurations/easements on the next page.

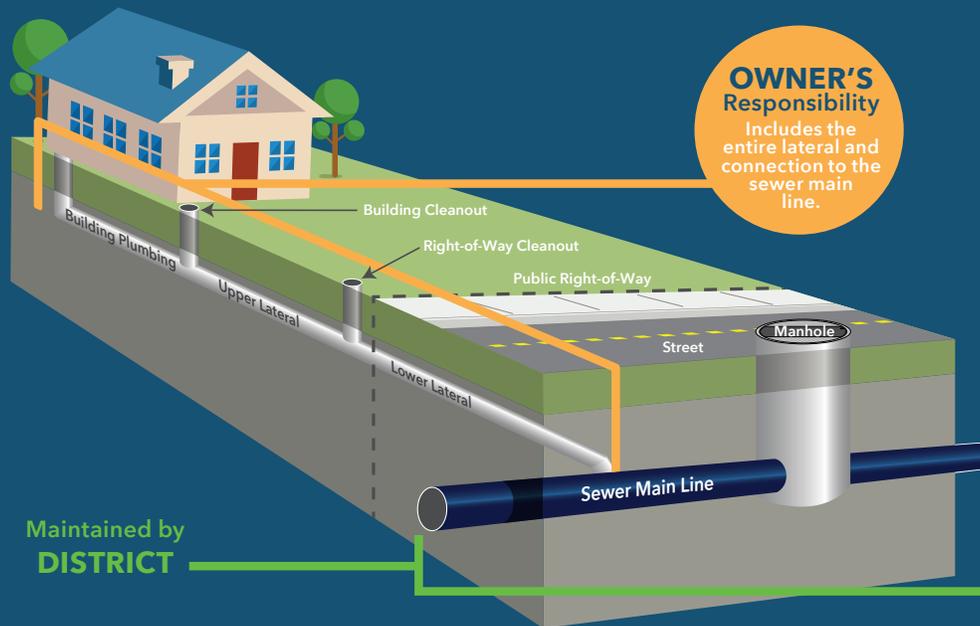
RVSD has specific procedures in place for gaining easement access in situations that are described further in our **Easements Brochure**. These procedures ensure that RVSD will make reasonable attempts to cooperatively gain access to easements by following either non-emergency or emergency access procedures as dictated by the particular circumstances and nature of work required.

However, please know that RVSD has the legal right to access easements for its work. If that access is impeded, RVSD will contact local law enforcement or other jurisdictional agencies as necessary to assist in gaining easement access. It is also important to know that failure to provide access can result in financial liability.

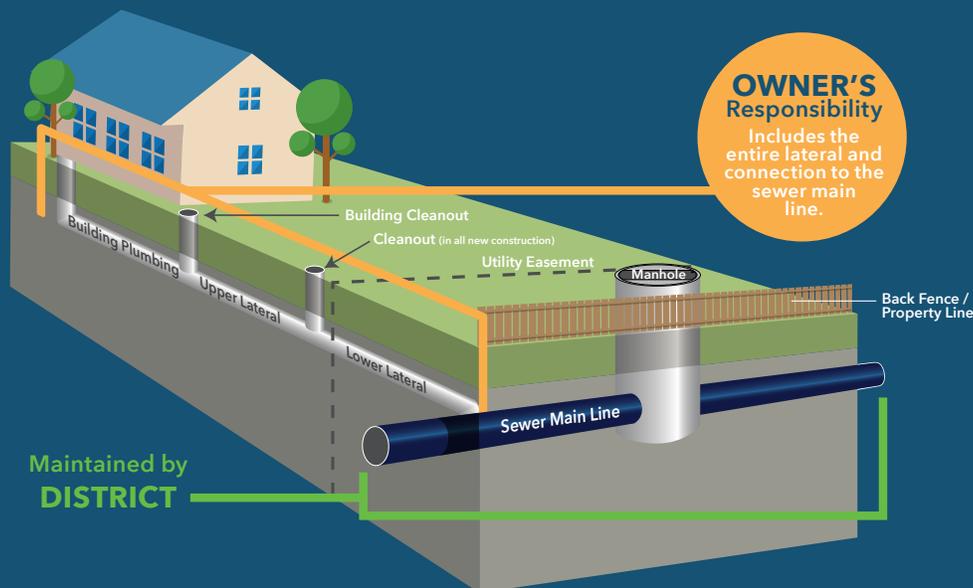




Typical **FRONT YARD** Sewer Configuration



Typical **BACKYARD** Sewer Configuration





Why is so much sewer infrastructure located within easements?

Many public sewer mains are installed in easements outside the street right-of-way. Because most sewers operate with the natural force of gravity, they have a downhill slope and are therefore often installed in low areas such as ravines and along creeks. The location of an easement is normally recorded in the County Registry of Deeds with a surveyor's document showing the boundary of the easement. Property owners are encouraged to check their land records to see whether and where their property may include utility easements.

Not all public sewer mains on private property are recorded with the county. If a main does exist, the District has the legal right of access to maintain, test and replace as needed. Please visit the District's [Sewer Easements Search](#) web page and follow the instructions provided. Enter your address to determine whether there is an easement on your property. If you have an easement, we request that you communicate your preferences to the District on how you would like to be contacted in advance for occasional maintenance activities or emergencies.

In many but not all cases, an easement is located along the rear or side boundary of two properties so that each of the adjacent lots includes an easement area that is 15-feet wide. Sewer pipes and manholes are usually located in the approximate center of an easement. Setbacks for permanent improvements like buildings or pools are determined from the centerline of the actual pipe and not necessarily the recorded easement. Please contact the District if you have a development proposal that may encroach on the sewer easement on your property and we will work with you to optimize the situation.

Who owns and maintains the easement?

The property owner continues to own the land and has only given up defined rights on the section of the property used for the easement. It is the property owner's responsibility to maintain the property within the easement.

How do I know where the easement is?

Easements are typically 5 feet on either side of a manhole and the sewer main, however this size may vary. The location can be determined from recorded maps or a "Grant of Easement" document, if available. If you are unfamiliar with the size or location of your easement, contact your title company or [RVSD at 415-259-2949](#). Please visit the District's [Easements web page](#) and enter your address to determine if there is an easement on your property. Please also provide your contact information so we can develop a communication plan tailored to your preferences.

Who can enter my property?

RVSD may go onto the easement and may have a contractor present at any time for a variety of reasons, including to perform routine maintenance, video inspection, audits or respond to sewer emergencies. We will do our best to notify the property owner before entry; however, we may need to enter without prior notification during an emergency. In both emergency and non-emergency situations, we will leave a door hanger letting the property owner know that we need to access your easement soon.

RVSD would also appreciate if you share your contact information by visiting our [Easements web page](#) to add your details to our list of easement property owners. **All information provided to RVSD will be kept confidential.**

We make every effort to try to minimize impacts on the property owner. If you own a pet, please provide your name and contact number via our [Easements web page](#) so special arrangements can be made as needed for your pet, prior to RVSD entering your property.





Can I make improvements in the easement?

RVSD is authorized to remove any improvements such as fences, paving, trees, irrigation, sheds or lighting systems within the easement to maintain or replace the sewer main.

RVSD is not liable for any damage to your improvements in the easement and may require that any unauthorized encroachments be removed at the property owner's expense. All encroachments on easements require approval from RVSD. Please keep the following in mind when maintaining the easement:

- Do not place planters or any other objects on manhole lids
- Do not build gates or fences over manhole lids
- Permanent structures cannot be built within an easement
- Keep the easement clear of debris, especially around the manhole and do not bury the lid
- Planting trees within the easement is not permitted without prior approval from RVSD
- Notify RVSD if you plan to install a fence that restricts access to the easement. A gate must be included in an accessible location for RVSD staff to continue to be able to access the easement
- If you want to add a lock to your backyard gate, you must receive prior approval from RVSD and provide a copy of the key or combination for our staff to enter the property if there is a sewer emergency

How about District Capital Improvement Projects in Easements?

Many RVSD sewer mains, rodholes and manholes within easements are beyond their service life of about 50 years. The District prioritizes rehabilitation projects based upon a variety of data sources such as condition assessment (CCTV data), maintenance conditions and access and risk assessment. Rehabilitation projects may require more access to an easement than for maintenance or emergency response. In many cases, private contractors may be required to perform work on RVSD facilities in easements. RVSD strives to minimize disturbances in private property settings. The net result is infrastructure improvements that benefit property owners, the community, public health and the environment.

Are there Easements for Private Sewer Laterals?

In addition to public utility easements, many private properties have private sewer laterals serving one or more residences that exist within easements not defined or recorded by the District. These laterals are critical in providing sewer service in a complex topographic setting such as Ross Valley. RVSD has permitting authority under **District Ordinance 100** to require private sewer laterals to meet District standards. Property owners are responsible for their entire sewer lateral, including where it crosses onto another property, whether or not there is a recorded easement. In the case of common (shared) laterals, each connected property owner is responsible for the portion of common lateral within their property, and up to the property line of the next downstream connection or to the District sewer main. RVSD encourages a cooperative approach among property owners by allowing access to these facilities to ensure compliance and maintain public health and safety. More information about private sewer laterals can be found [here](#).

Who do I contact for more information about RVSD easements?

Visit our [Easements web page](#) or contact us at 415-259-2949.

MORE INFORMATION

Visit: www.RVSD.org/289/Sewer-Utility-Easements

Email: Info@rvsd.org

Call RVSD at 415-259-2949

Our office staff are available Monday - Friday from 7:30 a.m. to 4 p.m. Our emergency crews are available 365 days per year, 24 hours per day, seven days per week.