**EASEMENT TEMPLATES AND EXAMPLES**

**FOR VERMONT TRANSPORTATION PROJECTS**

**INTRODUCTION**

There are over 15,800 miles of roads in Vermont. This figure includes paved and unpaved roads, state highways, municipal streets and the interstate. Some of these roadways are built to the latest transportation standards. Many roads are not. All of these roads are subject to Vermont’s unique climate, soil conditions and topography. These factors greatly affect the conditions of Vermont’s roads on a daily basis and cumulatively over time. In addition to the roads themselves, there are many miles of sidewalks which run adjacent to these roads and streets. There are also recent trends in surface transportation being utilized more frequently in Vermont, such as shared use paths (bike paths) and roadway stormwater/drainage collection systems. The maintenance, repair and improvement of Vermont roadways and surface transportation systems is constantly ongoing.

Vermont transportation projects often require the acquisition of easement rights from adjoining property owners in order to build the project. The purpose of this document is to provide a brief overview of easements and how they are used in Vermont transportation projects for roads, streets, sidewalks, shared use paths and related surface transportation improvements. This overview is followed by an alphabetical listing of the various easement templates and examples typically used in Vermont transportation projects (state and local). These easement templates and examples contained here apply to surface roadway-related projects. There are specialized easements needed for rail or aviation-related transportations projects (i.e., crossing agreement, avigation easements, etc.) that are not covered here.

**OVERVIEW**

Private ownership of land and real property interests is one of the cornerstones of American society. This concept is reinforced many times over by Federal and State constitutions, statutes, regulations and case law. The state or a municipality cannot just build a road wherever it wants. The state or municipality has to have legal control over the land where a road or other transportation feature is located. That control is achieved in one of two ways: outright ownership of the land itself by the state or municipality; or through ownership of easement rights in land owned by others. This document does not address the acquisition of land for transportation projects, but only the acquisition of easements.

**Easement Definition**: An easement is generally defined as being the legal right to use land owned by someone else for a purpose or purposes. Under Vermont law, the easement right must be set forth in writing, signed by the owners(s) of the land where the easement will be located and recorded in the appropriate municipal land records in order to be fully legally enforceable.

The person or entity that has the right to use an easement is commonly referred to as the dominant estate. The person or entity that owns the land upon which the easement area is located is commonly referred to as the servient estate.

**Transportation Project Easements, Difference between Temporary & Permanent**: A temporary easement is an easement that expires when construction of the transportation project is completed. Although temporary easements are limited in duration, they are not personal easements or easements in gross. The project-related temporary easements are intended to run with the land until the completion of project construction. That means if a property changes owners after conveyance of the temporary easement but before the project is constructed, the previously conveyed and recorded temporary easement continues to be in effect.

A permanent easement runs with the land forever into perpetuity. There is no expiration date for a permanent easement. A permanent easement is required when there is a need for future maintenance (i.e., a permanent easement to install and maintain a ditch) or when the easement area will be used on an ongoing basis by the public (i.e., a permanent sidewalk easement or a permanent highway easement).

**Specific Use Easements**: Easements for Vermont transportation projects need to be specific-use easements. That is, these easements are narrowly drafted to only allow defined uses to take place within the easement location. However, one exception to the specific-use easement practice is the permanent highway easement. A permanent highway easement is used to acquire the right to use the easement area on an ongoing basis for a road or highway. A permanent highway easement allows use of the easement area for any purpose associated with the construction, use and maintenance of that highway.

**Transportation Project Easement Language Is Unique**: The easements used for transportation projects are unique in at least two ways: 1) the location of the easements is based on the surveyed centerline set forth in right of way plans. This is often but not always a roadway centerline; and 2) The written easements are specifically intended to work together with project right of way plans to completely identify the location of the easement and the full extent of rights conferred by such easements.

In practical terms, this has led to the development of the succinct, almost terse easement language used below. The various easements and the language choices used therein have been developed over decades by the Vermont Agency of Transportation. These templates and examples are to be used or followed when drafting easements for municipal transportation projects overseen by VTrans’ Municipal Assistance Bureau, unless special circumstances dictate otherwise.

**TEMPLATES & EXAMPLES**

**1. Access Easement (Temporary)**

(A temporary easement) (Temporary easements) to enter upon land of the Grantor(s), during the period of construction, to construct an access to provide ingress and egress to and from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, in an area of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hectare(s) acre (s) square meter (s) square (foot / feet), more or less, and located (left of and between / right of and between ) approximate station(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project.

**Example:**

**A temporary easement to enter upon land of the Grantor, during the period of construction, to construct an access to provide ingress and egress to and from a channel, in an area of 1,758 square feet, more or less, right of and between approximate stations 123+99 and 125+09 of the established centerline of the Transportation Project.**

**2. Channel Easement (Permanent)**

(A permanent easement) (Permanent easements) to construct and maintain the channel of a certain stream of water, known as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, in an area of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hectare(s) acre (s) square meter (s) square (foot / feet), more or less, and located (left of and between / right of and between ) approximate station(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project.

**Example:**

**A permanent easement to construct and maintain the channel of a certain stream of water, known locally as Barton River, in an area of 44 square feet, more or less, and located left of and between approximate stations 31+87± and 31+95.26 of the established centerline of the Transportation Project.**

**3. Construction Easement (Temporary)**

(A temporary easement) (Temporary easements) during the period of construction to enter upon land of the grantor(s), for construction purposes, including the right to cut and dispose of all trees, down timber, stubs, brush, bushes, and debris, in an area of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hectare(s) acre (s) square meter (s) square (foot / feet), more or less, located (left of and between / right of and between ) approximate stations \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project.

**Example:**

**A temporary easement to enter upon land of the Grantor during the period of construction for construction purposes, including the right to cut and dispose of all trees, down timber, stubs, brush, bushes, and debris and undertake general construction functions in an area of 588 square feet, more or less, right of and between approximate stations 24+35 and 24+73 of the Industrial Parkway centerline of the Transportation Project.**

**3a. Construction Easement w/ erosion control & project demarcation fence (Temporary)**

(A temporary easement) (Temporary easements) during the period of construction to enter upon land of the Grantor(s), for construction purposes, including the right to cut and dispose of all trees, down timber, stubs, brush, bushes, and debris, install erosion control barriers and project demarcation fence, as necessary and as noted on the project plans; and undertake general construction functions in an area of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hectare(s) acre (s) square meter (s) square (foot / feet), more or less, (left of and between / right of and between ) approximate stations \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project.

**Example:**

**A temporary easement, during the period of construction, to enter upon land of the Grantor, for construction purposes, including the right to cut and dispose of all trees, down timber, stubs, brush, bushes, and debris, install project demarcation fence and erosion control barriers, together with the right to keep the erosion control barriers clear of debris and functioning properly throughout project construction, as necessary and as noted on the Transportation Project plans, and undertake general construction functions in an area of 3,239 square feet, more or less, left of and between approximate stations 111+21 and 114+40 of the established centerline of the Transportation Project.**

***Practice Note****: If the temporary construction easement includes language about erosion control barriers and project demarcation fence, then these elements must be depicted on the layout sheets and noted on the detail sheets of the Project ROW Plans. Project ROW Plans & Project Acquisition Documents must always be consistent with one another.*

**4. Culvert Easement (Permanent)**

(A permanent easement) (Permanent easements) to install and maintain (a) culvert (s) (at or near and right/left of) (right/left of and between) approximate station (s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project.

**Example:**

**A permanent easement to install and maintain a culvert in an area of 319 square feet, more or less, left of and between approximate stations 1100+27.88 and 1100+67.47 of the established centerline of the Transportation Project.**

**4a. Culvert and Drainage Easement (Permanent)**

(A permanent easement) (Permanent easements) to install and maintain (a) culvert (s) (at or near and right/left of) (right/left of and between) approximate station (s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project , and thereby the right to discharge water through said culvert (s) onto the land (s) of the Grantor (s).

**Example:**

**A permanent easement to install and maintain a culvert, left of and between approximate stations 1100+27.88 and 1100+67.47 of the established centerline of the Transportation Project and thereby the right to discharge water through said culvert onto the land of the Grantor.**

**4b. Culvert and Ditch Easement (Permanent)**

(A permanent easement) (Permanent easements) to install, construct, and maintain (a) culvert (s) and ditch (es;) hectare(s) acre (s) square meter (s) square (foot / feet), more or less, (left of and between / right of and between ) approximate stations \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project.

**Example:**

**A permanent easement to install, construct and maintain a culvert and a drainage ditch in an area of 707 square feet, more or less, left of and between approximate stations 113+79.61 and 114+25.00 of the established centerline of the Transportation Project.**

**4c. Culvert and Ditch and Drainage Easement (Permanent)**

(A permanent easement) (Permanent easements) to install, construct, and maintain (a) culvert (s) and drainage ditch (es;) (at or near and right/left of) (right/left of and between) approximate station (s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project, and thereby the right to discharge water through said culvert (s) and drainage ditch (es) onto the land (s) of the grantor (s).

**Example:**

**A permanent easement to install, construct and maintain a culvert and a drainage ditch, left of and between approximate stations 113+79.61 and 114+25.00 of the established centerline of the Transportation Project, and thereby the right to discharge water through said drainage ditch onto the land of the Grantor.**

**5. Ditch Easement (Permanent)**

(A permanent easement) (Permanent easements) to construct and maintain (a) ditch (es;) (at or near and right/left of) (right/left of and between) approximate station (s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project.

**Example:**

**A permanent easement to construct and maintain a ditch in an area of 249 square feet, more or less, left of and between approximate stations 401+00 and 401+18 of the established centerline of the Transportation Project**.

**5a. Ditch and Drainage Easement (Permanent)**

(A permanent easement) (Permanent easements) to construct and maintain (a) drainage ditch (es;) (at or near and right/left of) (right/left of and between) approximate station (s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project, and thereby the right to discharge water through said drainage ditch (es) onto the land (s) of the Grantor (s).

**Example:**

**A permanent easement to construct and maintain a ditch, left of and between approximate stations 401+00 and 401+18 of the established centerline of the Transportation Project and thereby the right to discharge water through said drainage ditch onto the land of the Grantor.**

***Practice Note****: When adding a drainage right to a Permanent Culvert/Ditch easement, do not state the area of the easement (i.e., 505 square feet, more or less), because to do so creates an implication that the area provided establishes the extent of the area affected by the drainage right. The area affected by a drainage right often well exceeds the area of the Culvert/Ditch easement itself.*

**6. Drainage Only Easement (Permanent)**

(A permanent easement) (Permanent easements) to discharge water on land of the grantor(s) as such water may hereafter be discharged or flow (at or near and right/left of) (right/left of and between) approximate station (s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project

**Example:**

**A permanent easement to discharge water on land of the Grantors as such water may hereafter be discharged or flow at or near and left of approximate station 6+08 of the established centerline of the Transportation Project.**

**7.** **Donation Clause**

The Grantor(s), having been informed of (his/her/theirs/its) right to receive just compensation for the acquisition of (his/her/theirs/its) property, hereby acknowledges, waives and releases the municipality/State from the Grantor’s right to receive just compensation determined by an appraisal as well as the (municipality/State’s) obligation (if applicable) to perform and provide an appraisal.

**Example:**

**The Grantors. having been fully informed of their right to receive just compensation for the acquisition of their property, hereby acknowledge, waive and release the municipality from the Grantors’ right to receive just compensation determined by an appraisal as well as the municipality’s obligation to perform and provide an appraisal.**

***Practice Note:*** *The Donation Clause is required to be inserted in a Deed or Grant of Temporary Rights(GTR) when the property owner(s) are donating the project parcel acquisitions to the State and/or municipality for no consideration. The Donation Clause must be used for both complete and partial donations. The Donation Clause should be placed just prior to the habendum section (“to have and to hold”) in a deed/GTR.*

**8. Drive Easement (Temporary)**

(A temporary easement) (Temporary easements) to enter upon land of the Grantor (s), during the period of construction, to construct a drive and perform any associated slope work necessary for the construction of the drive, in an area of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hectare(s) acre (s) square meter (s) square (foot / feet), more or less, located (at or near and right/left of) (right/left of and between) approximate station (s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project.

**Example:**

**A temporary easement to enter upon land of the Grantor, during the period of construction, to construct a drive and perform any associated slope work necessary for the construction of the drive in an area of 362 square feet, more or less, left of and between approximate stations 26+16 and 26+32 of the established centerline of the Transportation Project**.

**9. Erosion Control Only Easement (Temporary)**

(A temporary easement) (Temporary easements) (in an area/in areas of)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hectare(s) acre (s) square meter (s) square (foot / feet), more or less, to enter upon land of the Grantor(s) during the period of construction to install (an) erosion control barrier(s) and to keep the erosion control barrier(s) clear of debris and functioning properly, throughout the construction of the project, (left of and between / right of and between ) approximate stations \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project.

**Example:**

**A temporary easement to enter upon land of the Grantor, during the period of construction, to install erosion control barriers and to keep the erosion control barriers clear of debris and functioning properly, throughout the construction of the project, in an area of 2,098 square feet, more or less, right of and between approximate stations 221+24 and 221+43 of the established centerline of the Transportation Project.**

**10. Guy Pole /Anchor/wire Easement (Permanent)**

(A permanent easement) (Permanent easements) to install and maintain ( guy wire /pole/anchor (at or near and right/left of) (right/left of and between) approximate station (s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project.

**Example:**

**A permanent easement to install and maintain a guy wire and pole/anchor at or near and right of approximate station 125+30 of the established centerline of the Transportation Project.**

**10a. Guy Pole /Anchor/wire Easement (Temporary)**

A temporary easement to enter upon land of the Grantor (s), during the period of construction, to install ( guy pole/anchor/wire) (at or near and right/left of) (right/left of and between) approximate station (s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project.

**Example:**

**A temporary easement to enter upon the land of the Grantors during the period of construction to install a guy wire and pole/anchor at or near and right of approximate station 125+30 of the established centerline of the Transportation Project.**

**11. Highway Easement (Permanent)**

A permanent easement for constructing, maintaining, and servicing a highway, in an area of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hectare(s) acre (s) square meter (s) square (foot / feet), more or less, located (left of and between / right of and between ) approximate station(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established) centerline of the Transportation Project.

**Example:**

**A permanent easement for constructing, maintaining, and servicing a highway and all improvements and appurtenances thereto. in an area of 625 square feet, more or less, right of and between approximate stations 105+84.88 and 106+35.23 of the established centerline of the Transportation Project.**

**12. Install Easement (Temporary)**

(A temporary easement) (Temporary easements) to enter upon land of the Grantor(s) during the period of construction to install \_\_\_\_\_\_\_\_\_\_\_\_\_\_ , (in an area/in areas of)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hectare(s) acre (s) square meter (s) square (foot / feet), more or less, located (left of and between / right of and between ) approximate stations \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established) centerline of the Transportation Project.

**Example:**

**A temporary easement to enter upon the land of the Grantor, during the period of construction, to install a silt fence, located left of and between approximate stations 44+54 and 44+69 of the established centerline of the Transportation Project.**

***Practice Note****: A temporary “Install” easement is used when a specific item or feature needs to be installed outside of the highway Right of Way (ROW), but will not be maintained by the state/municipality after the completion of project construction. When the state/municipality intends to maintain the item after completion of project construction, a Permanent Install and Maintain easement (see below) should be used. Items to be installed through this easement can vary widely, including but not limited to: signs, fences, silt fences, planters, etc. Please note that for plantings, i.e., trees, shrubs & hedges, the Landscape (T) easement should be used.*

**13. Install & Maintain Easement (Permanent)**

(A permanent easement) (Permanent easements) to install and maintain \_\_\_\_\_\_\_\_\_\_\_\_\_\_ , (in an area/in areas of)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hectare(s) acre (s) square meter (s) square (foot / feet), more or less, located (left of and between / right of and between ) approximate stations \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established) centerline of the Transportation Project.

**Example:**

**A permanent easement to install and maintain a curb, in an area of 136 square feet, more or less, left of and between approximate stations 103+37.18 and 104+20.03 of the established centerline of the Transportation Project.**

**14. Landscaping Easement (Temporary)**

(A temporary easement) (Temporary easements) to enter upon the land of the Grantor(s) during the period of construction to plant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (in an area/in areas of)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hectare(s) acre (s) square meter (s) square (foot / feet), more or less, located (at or near and right of / at or near and left / left of and between / right of and between ) approximate station(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project.

**Example:**

**A temporary easement to enter upon land of the Grantors, during the period of construction, to plant 6 oak trees, right of and between approximate stations 101+30 and 102+26 of the established centerline of the Transportation Project.**

**15. Removal Easement (Temporary)**

(A temporary easement) (Temporary easements) to enter upon the land of the Grantor(s) during the period of construction to remove \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (in an area/in areas of)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hectare(s) acre (s) square meter (s) square (foot / feet), more or less, located (at or near and right of / at or near and left / left of and between / right of and between ) approximate station(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project.

**Example:**

**A temporary easement to enter upon the land of the Grantors, during the period of construction, to remove an existing tree at or near and right of approximate station 60+83 of the established centerline of the Transportation Project.**

***Practice Note****: A temporary “Remove” easement is used when a specific item or feature needs to be removed from outside of the highway Right of Way (ROW). Items to be removed through this easement can vary widely, including but not limited to: signs, fences, trees, plantings, planters, etc.*

**16. Remove & Reset Easement (Temporary)**

(A temporary easement) (Temporary easements) to enter upon the land of the Grantor(s) during the period of construction to remove and reset \_\_\_\_\_\_\_\_\_\_\_\_\_, from (at or near and right of / at or near and left / left of and between / right of and between ) approximate station(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to (at or near and right of / at or near and left / left of and between / right of and between ) approximate station(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; all stations are of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project.

**Example:**

**A temporary easement to enter upon the land of the Grantors, during the period of construction, to remove and reset a fence from left of and between approximate stations 209+66.00 and 209+69, to left of and between approximate stations 210+100 and 210+125; all stations are of the established centerline of the Transportation Project.**

***Practice Note****: When removing an item from one location and moving it to another location, the remove and reset easement should be used. When removing an item and placing (or replacing) it in the same location, the remove and replace easement should be used.*

**17. Remove and Replace Easement (Temporary)**

(A temporary easement) (Temporary easements) to enter upon the land of the Grantor(s) during the period of construction to remove and replace \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, located (at or near and right of / at or near and left / left of and between / right of and between ) approximate station(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project.

**Example:**

**A temporary easement to enter upon land of the Grantor, during the period of construction, to remove and replace an iron pin (property marker), located right of and between approximate stations 63+06.59 and 63+06.67 of the established centerline of the Transportation Project.**

**18. Shared Use Path Easement (Permanent)**

(A permanent easement) (Permanent easements) to install and maintain a shared use path for use by the general public, (in an area/in areas of)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hectare(s) acre (s) square meter (s) square (foot / feet), more or less, located (left of and between / right of and between ) approximate stations \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established) centerline of the Transportation Project.

**Example:**

**A permanent easement to install and maintain a shared use path for use by the general public, in an area of 1,000 square feet, more or less, right of and between approximate stations 24+48.88 and 20+29.94 of the established centerline of the Transportation Project.**

**19. Sidewalk Easement (Permanent)**

(A permanent easement) (Permanent easements) to install and maintain a sidewalk for use by the general public, (in an area/in areas of)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hectare(s) acre (s) square meter (s) square (foot / feet), more or less, located (left of and between / right of and between ) approximate stations \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established) centerline of the Transportation Project.

**Example:**

**A permanent easement to install and maintain a sidewalk for use by the general public, in an area of 1,000 square feet, more or less, right of and between approximate stations 24+48.88 and 20+29.94 of the established centerline of the Transportation Project.**

**20. Slope Easement (Temporary)**

(A temporary easement) (Temporary easements) to enter upon the land of the Grantor(s) during the period of construction to extend highway slopes and embankments ( in an area/in areas of)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hectare(s) acre (s) square meter (s) square (foot / feet), more or less, located (at or near and right of / at or near and left / left of and between / right of and between ) approximate station(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project, as shown on the aforesaid Transportation Project plans.

The slopes and embankments may be extended at such an angle as will hold the material of said slopes in repose against ordinary erosion in accordance with the standard practice of Transportation construction. The (State of Vermont / Town/City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) shall have the right to remove all trees, logs, stumps, protruding roots, brush, duff, and other objectionable materials, structures, growth, and any other thing of whatever kind or nature from said slope area(s).

**Example:**

**A temporary easement to enter upon the land of the Grantor during the period of construction, to extend highway slopes and embankments in an area of 30 square feet, more or less, right of and between approximate stations 41+93 and 41+99 of the established centerline of the Transportation Project, as shown on the aforesaid Transportation Project plans.**

**The slopes and embankments may be extended at such an angle as will hold the material of said slopes in repose against ordinary erosion in accordance with the standard practice of Transportation construction. The Town of Waterbury shall have the right to remove all trees, logs, stumps, protruding roots, brush, duff, and other objectionable materials, structures, growth, and any other thing of whatever kind or nature from said slope area.**

**21a. Slope Easement (Permanent)**

(A permanent easement) (Permanent easements) to extend and maintain highway slopes and embankments ( in an area/in areas of)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hectare(s) acre (s) square meter (s) square (foot / feet), more or less, located (at or near and right of / at or near and left / left of and between / right of and between ) approximate station(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project, as shown on the aforesaid Transportation Project plans.

The slopes and embankments may be extended at such an angle as will hold the material of said slopes in repose against ordinary erosion in accordance with the standard practice of Transportation construction. The (State of Vermont / Town/City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) shall have the right to remove all trees, logs, stumps, protruding roots, brush, duff, and other objectionable materials, structures, growth, and any other thing of whatever kind or nature from said slope area(s).

**Example:**

**A permanent easement to extend and maintain highway slopes and embankments in an area of 30 square feet, more or less, right of and between approximate stations 41+93 and 41+99 of the established centerline of the Transportation Project, as shown on the aforesaid Transportation Project plans.**

**The slopes and embankments may be extended at such an angle as will hold the material of said slopes in repose against ordinary erosion in accordance with the standard practice of Transportation construction. The Town of Waterbury shall have the right to remove all trees, logs, stumps, protruding roots, brush, duff, and other objectionable materials, structures, growth, and any other thing of whatever kind or nature from said slope area.**

**22. TPZ (Tree Protection Fence) Easement (Temporary):**

(A temporary easement) (Temporary easements) to enter upon land of the Grantor(s) during the period of construction, to install tree protection zone fence, located (at or near and right of / at or near and left / right of and between/ left of and between ) approximate station(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project.

**Example:**

**A temporary easement to enter upon land of the Grantor, during the period of construction, to install tree protection zone fence, located left of and between approximate stations 65+43 and 66+52 of the established centerline of the Transportation Project.**

**23. Utility Easement (Permanent)**

(A permanent easement) (Permanent easements) ( in an area of)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hectare(s) acre (s) square meter (s) square (foot / feet), more or less, and located (right of and between/ left of and between ) approximate stations \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project, to install , construct, reconstruct, operate, repair, maintain, replace, patrol and remove overhead or underground cable, lines, conduits, poles, guys, anchors, braces, fixtures, and appurtenances thereto, hereinafter referred to as facilities, as necessary for the transmission of power and telecommunications under , upon, or across land of the (grantor/ grantors). This easement also includes the perpetual right to cut, trim, and remove all trees, shrubs, bushes, underbrush, and other items, as determined necessary by the (State of Vermont/ Town/City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, for the safe and efficient operation and maintenance of the facilities. The (grantor/ grantors), (his/her/their /its) (heirs / successors) and assigns, will not, without the prior written permission of the (State of Vermont / Town / City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, erect or permit the erection of any building or any other structure; plant or permit the growth of any trees or bushes; change the grade or permit the change of grade, or fill or excavate within this easement area which will adversely affect the maintenance and operation by the (State of Vermont / Town/City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_), its successors and assigns.

**Example:**

**A permanent easement in an area of 1,021 square feet, more or less, right of and between approximate stations 110+81 and 111+64.62 of the established centerline of the transportation project, to install, construct, reconstruct, operate, repair, maintain, replace, patrol and remove overhead or underground cable, lines, conduits, poles, guys, anchors, braces, fixtures, and appurtenances thereto, hereinafter referred to as facilities, as necessary for the transmission of power and telecommunications under, upon, or across land of the Grantor. This easement also includes the perpetual right to cut, trim, and remove all trees, shrubs, bushes, underbrush, and other items, as determined necessary by the State of Vermont, for the safe and efficient operation and maintenance of the facilities. The Grantor, their heirs, successors and/or assigns, will not, without the prior written permission of the State of Vermont: erect or permit the erection of any building or any other structure; plant or permit the growth of any trees or bushes; change the grade or permit the change of grade, or fill or excavate within this easement area which will adversely affect the maintenance and operation by the State of Vermont, its successors and assigns**.

**23a. Utility Easement (Temporary)**

(A temporary easement) (Temporary easements) to enter upon land of the Grantor(s) during the period of construction, ( in an area of)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hectare(s) acre (s) square meter (s) square (foot / feet), more or less, and located (right of and between/ left of and between ) approximate stations \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project, to install, operate, and maintain, during the period of construction, temporary utility facilities including but not limited to underground cable, lines, conduits, poles, guys, anchors, braces, fixtures, and appurtenances thereto, as necessary for the transmission of power and telecommunications under, upon, or across land of the Grantor. This temporary easement also includes the right to cut, trim, and remove all trees, shrubs, bushes, underbrush, and other items, as determined necessary by the State of Vermont, for the installation and operation and maintenance of the temporary utility facilities.

**Example:**

**A temporary easement to enter upon land of the Grantor, in an area of 1,586 square feet, more or less, right of and between approximate stations 144+55 and 145+40 of the established centerline of the Transportation Project; to install, operate, and maintain, during the period of construction, temporary utility facilities including but not limited to underground cable, lines, conduits, poles, guys, anchors, braces, fixtures, and appurtenances thereto, as necessary for the transmission of power and telecommunications under, upon, or across land of the Grantor. This temporary easement also includes the right to cut, trim, and remove all trees, shrubs, bushes, underbrush, and other items, as determined necessary by the State of Vermont, for the installation and operation and maintenance of the temporary utility facilities.**

**23b. Utility Easement (Temporary) (Disconnect & Reconnect)**

(A temporary easement) (Temporary easements) to enter upon land of the Grantor(s) during the period of construction, to disconnect and connect sewer and water, if necessary, including but not limited to replacing or repairing any appurtenances thereto to accomplish the disconnection and connection of the water and sewer, located (right of and between/ left of and between ) approximate stations \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project.

**Example #1:**

**(Water & Sewer)**

**A temporary easement to enter upon land of the Grantor, during the period of construction, to disconnect and connect sewer and water, if necessary, including but not limited to replacing or repairing any appurtenances thereto to accomplish the disconnection and connection of the water and sewer, right of and between approximate stations 52+51.84 and 53+09 of the established centerline of the Transportation Project.**

**Example #2:**

**(Non-descript general utility)**

**A temporary easement to enter upon the land of the Grantor during the period of construction to disconnect and connect utility service, including but not limited to replacing and repairing any appurtenances thereto to accomplish the disconnection and connection of the utility services, in an area of 80 square feet, more or less, right of and between approximate stations 52+98 and 53+09 of the established centerline of the Transportation Project.**

**24. Walkway Easement (Temporary)**

(A temporary easement) (Temporary easements) to enter upon land of the Grantor(s) during the period of construction, to construct a walkway and match to existing walkway, located (right of and between/ left of and between ) approximate stations \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ revised/ established centerline of the Transportation Project.

**Example:**

**A temporary easement to enter upon land of the Grantor, during the period of construction, to construct a walkway and match to existing walkway located left of and between approximate stations 26+00 and 26+07 of the Lyman Avenue centerline of the Transportation Project.**