

## **Regulation**

The city needs to own sufficient right-of-way to construct, operate and maintain the roadway.

## **Proposed Policy**

- It shall be the policy of the City of Lincoln to not acquire permanent easements for fill slopes. Any easement required for the construction of side slopes will be a temporary construction easement.
- Permanent Easements will still be required for utilities (water, waste water, etc.) and storm drainage (piping, waterways, etc.)

## **Justification / Reasons / Discussion:**

The Nebraska Department's of Roads (NDOR) policy is to buy right of way past the limits of construction. The NDOR doesn't want to take the risk of someone excavating the fill slope and having the road collapsing. Where the city doesn't take right of way, but mixture of permanent and temporary easements, the issue of someone excavating the fill slope is a concern with either permanent or temporary easements. Generally permanent easements will show up in a title search and alert someone to ask "why".

If the general lay of land doesn't require a fill slope, the city doesn't acquire an easement in case the landowner comes back and excavates the existing ground. Generally this is because the law does not allow someone to cause damage to us as adjacent landowners.

Factoring in the cost differences between the two types of easements, Permanent Easements generally cost 90% of the underlying land value, while a temporary easement costs only 10% of the land value.

The disadvantage of this policy is that we will have to be more watchful and careful regarding work next to our roadway system. Temporary easement would suffice.

The city is buying 120+ feet of ROW plus easements accordingly and this should cover the construct, operate, and maintain requirement.