

Easements on State Trust Lands

Application Process & Procedures



Authority:

Easements issued by the Trust Lands Administration are governed by Utah Administrative Code, Title R850. For rules pertaining specifically to easements, please see *R850-40, Easements*. The Utah Administrative Code is available at rules.utah.gov/.

Application Procedures:

1. Submit an easement application to the Trust Lands Administration. The application is available at trustlands.utah.gov/business-groups/surface/easements/, or by contacting the administration at 801-538-5100.
2. Submit the following along with the easement application:
 - a. Letter detailing the intended use of the easement and other pertinent project details
 - b. Map detailing the location of the easement
 - c. Surveyed legal description of the easement, produced by a Professional Land Surveyor
3. A meeting with the applicant or a site visit may be necessary to discuss details of the proposal.

Administration Review:

1. Upon receipt of the application, the administration will undertake a 15-day preliminary review of the application. At the end of this review period, the Director will determine whether to accept or reject the application.
2. The administration will notify the applicant of the Director's determination at the end of the review period. If the application is accepted, a non-refundable \$750.00 application fee is due. Please note that the Director's initial acceptance of the application does not imply final approval of the easement.

Other Reviews/Requirements:

1. Resource Development Coordinating Committee (RDCC): Most easement applications will require review by the State Resource Development Coordinating Committee. The RDCC review requires 30 days and gives local government and other state & federal agencies the opportunity to review the easement application and submit comments regarding the application to the administration. The

applicant will be informed of any comments or additional requirements at the end of this review period.

2. Cultural Resources (Archaeological) Survey: The administration will determine whether the proposed easement will require a survey for cultural resources and whether special accommodations will need to be made for cultural resources within the proposed project area. If a cultural resource survey is required, it is the responsibility of the applicant to obtain this survey and bear all associated costs.
3. Paleontological Resources Survey: If the proposed easement is located within an area where paleontological resources may exist, the Utah Geological Survey (UGS) will often require that a paleontological survey be conducted. If a paleontological survey is required, it is the responsibility of the applicant to obtain this survey and bear all associated costs.
4. Other Requirements: Environmental, wildlife, or other concerns may arise that will need to be resolved prior to final approval of the easement application. The administration will notify the applicant if any of these concerns arise.

Notification of Holders of State Issued Interests:

Easement applicants must notify all holders of state issued interests in the proposed project area so as not to conflict with or cause damage to any such existing uses. The administration will provide a list of all holders of state issued interests in the area during the application process.

Easement Fees:

1. Application Fee: Upon acceptance of the application by the Director, a non-refundable \$750.00 application fee is assessed.
2. Easement Rental: Easement rental is a one-time charge that is paid at the beginning of the easement term. Easement rental is determined in one of two ways, depending on which provides the highest revenue to the administration:
 - a. Price Schedule: A fixed per-rod charge is assessed based on the type of easement as detailed in the administration's published easement price schedule. The price schedule is available at trustlands.utah.gov/business-groups/surface/easements/.
 - b. Land Value: Easement rental is set at 80% of the appraised property value of the land involved, except in the case of roads, where easement rental is 100% of the appraised property value.

Easement Term:

Easements on trust lands are typically issued for a maximum term of 30 years. The Director may, at their discretion, allow a longer term in special cases if the Director finds it is in the best interest of the trust beneficiaries.

Easement Approval:

Upon satisfactory completion of all application requirements and payment of the required fees and rental, the application will be submitted to the Director for final approval.

Easement Document:

Upon the Director's final approval, the administration will prepare an easement agreement. The administration will send two copies of the agreement to the applicant for execution, which must both be returned to the administration within 60 days. The Director will then execute both copies, and one original will be returned to the applicant. Upon execution of the agreement by the Director it becomes a binding contract between the applicant and the Trust Lands Administration.

Recordation:

The administration does not typically record easement documents with the county recorder. It is the responsibility of the applicant to record such documents with the county.

Questions:

Please contact Scott Bartlett at the Trust Lands Administration at 801-538-5100 for more information.

EASEMENT PRICE SCHEDULE

Effective January 17, 2017

Electric Transmission and Distribution Lines, Telephone, Fiber Optic and other Communications Lines:

<u>Width of Easement</u>	<u>\$ per Rod</u>
0' – 30'	\$13.00
31' – 60'	\$20.00
61' – 75'	\$26.50
76' – 125'	\$33.00

Minimum charges for certain large-scale transmission lines (width to be negotiated):

Equal or greater than 230Kv - \$75/rod

Equal or greater than 345Kv - \$100/rod

Equal or greater than 500Kv - \$125/rod

Oil & Gas Pipeline Easement Fee Schedule (width to be negotiated):

<u>Outside Diameter of Pipeline</u>	<u>\$ per Rod</u>
< 2"	\$10.50
2.0" – 11"	\$21.00
11.1" – 23"	\$31.00
23.1" – 35"	\$75.00
> 35.1"	\$100.00

Irrigation, Sewer, Culinary Water & Other Pipelines (width to be negotiated):

<u>Outside Diameter of Pipeline</u>	<u>\$ per Rod</u>
< 2"	\$6.50
2.0" – 11"	\$13.00
11.1" – 23"	\$20.00
23.1" – 35"	\$26.50
> 35.1"	\$53.00

Roads:

<u>Existing</u>		<u>New Construction</u>	
<u>Width</u>	<u>\$ per Rod</u>	<u>Width</u>	<u>\$ per Rod</u>
1' – 33'	\$5.50	1' – 33'	\$8.50
33.1' – 66'	\$11.00	33.1' – 66'	\$16.50
66.1' – 100'	\$16.50	66.1' – 100'	\$25.00
> 100'	\$22.00	> 100'	\$33.00

In no circumstance shall the easement fee be less than 80% of the appraised value of the property involved, except in the case of roads where the easement fee shall not be less than 100% of the appraised value of the property involved. The above schedule represents easement fees for the standard easement term of 30 years.

Non-Refundable Application Fee:	\$750.00
Minimum Easement Fee:	\$200.00