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Impact of Easements on Development Potential



How easements are established...



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- The exaction process (subdivision process or site plan process) or via acquisition (most often “under the threat” of condemnation)
- Easement size is often dictated by utility criteria manuals
- Location is often determined by the need to serve specific areas, solve particular issues, and/or the natural environment
- The City’s easements are not unusual or atypical. The rights the City seeks in its easements are like those sought by other governmental entities throughout Texas and in other states.

Considerations...



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- To the extent possible, easements are designed to minimize impact to the development potential of a property
- Easements can overlap if the proposed uses do not materially interfere with each other
- Current easement owners can prohibit or dictate the terms upon which new crossing/overlapping easements can be created

Considerations...



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- The locations and types of easements can impact the development potential of property and the value of property
- The City does employ measures to limit the impact of easements to the development potential of property
- Easement areas are “defined”. The City’s right to control the property owner’s remaining use of the property ends at the border of the easement area

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