

Rural Municipality of Heart's Hill No. 352

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6.2 EASEMENTS

DEFINITION:

An easement is a non-possessory right to use and/or enter onto the real property of another without possessing it.

POLICY:

The Municipality may enter into an Easement Agreement with a landowner. The Agreement shall define the specific area, rights and uses the Municipality are granted by the landowner. The easement must also clearly state any conditions and obligations the Municipality must adhere to and fulfill upon the granting of the easement.

Landlords shall be entitled to standard rates of compensation for any damages to crops, fences, loss of production and the removal of clay, sand and topsoil. (*See current Municipal rates*)

All Easement Agreements, stating rates of compensation, must be signed prior to any construction or Municipal equipment entering the easement area.

RATIONALE:

Depending on the project, it may be practicable and cost effective to negotiate an easement with a landowner instead of purchasing a permanent right-of-way. As the Municipality values both the privilege of easements and the respectful relationships with ratepayers, the Municipality shall compensate the landowner for any damages and/or resources removed from the easement.

AUTHORITY:

The Municipalities Act, Section 12(1)
The Municipal Expropriation Act, Sec 3(1)
Resolution: 298/19, 275/18, 260/17