

FREQUENTLY ASKED QUESTIONS (FAQ)
EASEMENT ACQUISITION
Phase 1A - Wastewater System and Associated Watermain Improvements
City of Oronoco, MN
May 2021

The intent of this FAQ is to provide information to residents, business owners and property owners that will be impacted by a proposed easement acquisition that is needed to facilitate the City's proposed construction, operation and maintenance of a municipal wastewater system and associated watermain distribution improvement.

1. What is an easement?

An easement is legal right authorizing a person or agency (City of Oronoco) to use private land or property of another for a particular purpose. For example, a municipal sewer utility acquires certain rights to construct, operate and maintain a sanitary sewer system. Landowners are paid for the easement and can continue to use the land for most purposes, although some restrictions are included in the easement agreement.

2. What types of easements are proposed for the Oronoco Phase 1A Sanitary Sewer and Water Improvements?

Property owners who receive a letter from the City of Oronoco along with the associated easement documents are being asked to grant one or more of the following easements:

- a. **Temporary Construction Easement:** An easement granted for a specified duration (~2.25 year period for this project) that temporarily provides the recipient (City of Oronoco) and its contractor with the right to utilize the designated area described within the easement document for utility and street construction purposes. The rights of the temporary easement commence and terminate at the dates indicated within the easement document. The Temporary Construction Easement is illustrated and dimensioned on the survey exhibit that accompanies the easement documents and the easement area is carefully described and measured in square feet. The City of Oronoco will compensate property owners for temporary construction easements used to construct municipal improvements that benefit the general public. Temporary Easements are typically not recorded.
- b. **Permanent Easement:** An easement that provides the recipient (City of Oronoco) and its contractor with the right to utilize the designated area described within the easement document to construct, operate and maintain the public utility, drainage facility and / or roadway as discussed in the easement document. The proposed Permanent Easement is illustrated and dimensioned on the survey exhibit that accompanies the easement documents and the easement area is carefully described and measured in square feet. The City of Oronoco will compensate property owners for Permanent Easements required to construct, operate and maintain proposed utility, drainage and roadway improvements that benefit the general public. Permanent Easements will be recorded at Olmsted County and become part of your property deed.
- c. **Permanent Low Pressure Sewer Easement or Consent Agreement:** A permanent easement or agreement that provides the recipient (City of Oronoco) and its contractor with the right to construct, operate, repair and maintain the low pressure sewer system (grinder station and ~1.25-inch sewer forcemain pipe) serving your property. In addition, it gives the City the right to extend the sewer pipe from your home to the grinder station, complete exterior electrical improvements and also pump and abandon your existing septic tank. The City of Oronoco will NOT compensate property owners

for Low Pressure Sewer Easements / Consent Agreement as the improvements only benefit the individual property owner.

The City of Oronoco is currently working with State Funding Agencies to determine whether a formal low pressure sewer easement or a consent agreement will be required for properties receiving low pressure sewer systems. Both documents essentially accomplish the same goal, and the City will prepare and mail the State approved easement or agreement document to Low Pressure Sewer System property owners as soon as the State makes its final determination.

3. Will I be compensated in exchange for granting the easement? How is the proposed easement compensation calculated?

Compensation will be offered for Temporary Construction Easements and Permanent Easements. There will be no compensation for low pressure sewer easements / consent agreements as the infrastructure constructed in conjunction with the low pressure sewer system only serves the parcel / property owner that is being asked to execute the easement / agreement.

Compensation for Temporary Construction Easements is calculated using the reversionary method as commonly employed by the Minnesota Department of Transportation (MnDOT). This methodology uses the Olmsted County estimated market value, an estimated inflation rate and a 2.25-year easement duration to calculate the easement value.

Compensation for Permanent Easements is calculated using the Olmsted County estimated market values. The size of the easement, parcel area, and the value of the property are used in determining the proposed easement compensation. Impacts to existing trees or other landscape features may be considered on a case by case basis.

4. What restrictions apply to the easement area within my property?

Land use restrictions apply to areas within Permanent Easement boundaries. No permanent structures, tree plantings, extensive landscaping, private utilities or other obstacles are permitted that would inhibit sewer or water utility maintenance or repair in the future. In addition, the sewer system infrastructure may not be modified without consent of the City of Oronoco and State of Minnesota.

For Low Pressure sewer system easements / agreements: No permanent structures, tree plantings, extensive landscaping, private utilities or other obstacles within ten (10) feet of the low pressure sewer forcemain, grinder station or control panel are permitted that would inhibit sewer system maintenance or repair in the future. In addition, the sewer system infrastructure may not be modified without consent of the City of Oronoco and State of Minnesota.

5. What is the process to execute the easement and how is the easement recorded?

The following steps are required to execute and record the easement:

- a. *Sign, notarize and deliver the executed easement document provided by the City.*

Note: Easement documents need to be signed by all parties included on the signature page of the easement conveyance document and all signatures need to be witnessed by a notary.

- b. *City will sign and record the easement – Excludes temporary easements (City Cost)*

- c. *City will send easement compensation to the property owner via check (excludes low pressure sewer easements)*

6. What if I choose not to grant the requested easement?

Since an easement is a request for the right to use of your property, you have the right to deny it.

If you decline to grant a proposed temporary construction easement or permanent easement, the City will review options to avoid construction impacts to your property and the need for the easement. Modifications to the sanitary sewer / water system design will likely increase project costs and may have a negative impact on how efficiently the City can serve your property along with other properties in your area. If options to avoid impacts to your property and the proposed easement are determined not to be feasible and in the best interests of the community, the City may acquire the easement through eminent domain.

If you decline to grant a proposed low pressure sewer easement / consent agreement, the City will terminate construction of the low pressure sewer system at your property line. The property owner will then be required by the pending City Sewer Ordinance to complete construction of the low pressure sewer system within a prescribed time frame (likely 12 to 18 months) after the sanitary sewer system becomes operational in 2023. If you decline to grant a proposed low pressure sewer easement, the property owner will still be assessed the proposed wastewater system fees and will also be required to fund 100% of the construction of the low pressure sewer system within the property and also abandon the existing septic system located on the property. The estimated cost to construct a low pressure sewer system on private property is \$10,000 to \$15,000. Any property owner choosing to construct and fund the low pressure sewer system located within a private property will be required to construct the system in accordance with City system construction specifications and will be responsible for all associated operation, repair and maintenance costs. Property owners who are provided access to the municipal sewer system and fail to connect within the time period prescribed by City ordinance will be charged a monthly fee in an amount set forth in the ordinance. This monthly fee may exceed the typical monthly sanitary sewer utility charge.

7. Will the contractor repair or replace landscaping, plantings, and turf disturbed within the proposed Easement on my property?

The City's intent is to avoid impacts to private property where practicable. If construction work necessitates an impact, the contractor will be required to repair or reconstruct impacted items as follows:

- a. Driveways, sidewalk, culverts, patios, private utilities, irrigation system – repair to preconstruction condition using similar materials as part of City Contract.*
- b. Landscape (turf) located on private property – all impacted turf within private property and the road right-of-way boulevard will be restored with seed, hydraulic soil tackifier (green spray on mulch) and fertilizer as part of City construction contract.*
- c. Trees, shrubs and decorative landscaping – protecting trees and landscaping within the project area is a priority for the City. The contractor will use horizontal directional drilling techniques to avoid impacts to trees, shrubs and decorative landscaping where practical and feasible. Trees, shrubs and decorative landscaping will not be replaced as part of the project. Compensation for tree impacts has been included in valuations for temporary construction and permanent easement acquisitions as deemed appropriate.*

8. Will there be additional correspondence from the City to residents and property owners before the proposed project is bid and before construction commences?

Yes, the City plans to proactively address resident questions and concerns regarding the proposed wastewater and water system project improvements and associated easement acquisitions. You are invited to attend one of the Public Open House Events hosted by the City of Oronoco and related to the easement acquisition process. The open house events are scheduled as follows. Please choose the event appropriate to the type of easement requested on your property.

Public Open House at City Hall For: Temporary Construction Easement and / or Permanent Easement Property Owners:

Monday May 10th from 4:00 PM to 7:00 PM

or

Tuesday, May 11th from 9:00 AM to Noon and 4:00 PM to 7:00 PM

Public Open House at City Hall For: Low Pressure Sewer Easement / Consent Agreement Property Owners:

Wednesday May 19th from 4:00 PM to 7:00 PM

or

Thursday, May 20th from 9:00 AM to Noon and 4:00 PM to 7:00 PM

The Public Open House Events are intended to address property owner questions and concerns regarding the project, the easement acquisition process and the associated easement documents. The City Engineer, project design engineer and right-of-way agent will be available during the Open House to address your questions and concerns. Please note that the City will have a notary available to assist in the execution of the easement documents during the Open House event and also during regular business hours.

9. How can I get additional information regarding the project?

Please visit the City of Oronoco website under the "Community" heading – "Wastewater Project" or the following link: <https://www.oronoco.com/index.asp?SEC=9FF06188-BB72-456D-8865-7A0EE2DCC317> to find additional information regarding the project. The Public Hearing - Project Summary and Frequently Asked Questions (March 2021) documents are included on the website and may be helpful in addressing many questions regarding the project. You can also contact City Engineer Joe Palen directly at Stantec Phone (507) 529-6036 or Email: joseph.palen@stantec.com with your questions and concerns.