

# Frequently Asked Questions

## 1. What is a right-of-way?

“Right-of-way” or easement is a legal term for the right to use another person’s land for a specific purpose. Someone who holds a right-of-way may use or enter the land of the property owner, depending on the precise terms of the agreement. A right-of-way may be for an entire parcel or over a small specifically described area. A right-of-way does not grant any ownership rights, just the right to use the property for a specific purpose. These rights may be granted on a temporary basis, or the rights may be permanent.

An example of a temporary easement would be the right to enter the land with construction equipment to construct a sewer line and repair the property. This easement expires when the specific purpose is complete. A public sewer line running beneath the property with the right to maintain the sewer line is an example when a permanent easement is required.

## 2. Why do you need a right-of-way?

It has been determined that the best location for the sewer is on your property. The location of gravity sewers are determined by the following issues:

- Topography of the ground
- Relationship to the house requiring service
- Location of existing service utility lines (gas, water, etc.)
- Location of other underground features (rock, septic tanks, etc.)
- Location of existing rights of ways (PennDOT or Township roads, etc.)
- Location of above ground topographic features (large trees, garages, etc.)

It may be either impossible or very costly to construct the sewer in any other location.

## 3. Why is the sewer where it is and not on the property line where half of the right-of-way would be on my property and the other half on my neighbors?

For the most part, topography dictates where the sewer goes. Sometimes the property line is not a feasible location due to grades, distances, or other reasons

## 4. What is the typical width of the right-of-way?

The permanent right-of-way is 25-foot wide for the length of the sewer crossing the property. The right-of-way allows the Authority the right to enter upon the property to operate and maintain the sewers should it ever need repaired. It is a rare occurrence that there will be a need for maintenance. The temporary 40-foot right-of-way is used for construction purposes only and is dissolved at the end of the project contract.

## 5. How is a right-of-way created?

The most common way to create a right-of-way is to sign an express agreement. This agreement is a form of a contract. For the agreement to be valid, it needs to: (1) be in writing, (2) describe the property involved, and (3) be signed by the property owner. When it is signed, it will be properly recorded at the County Courthouse Recorder of Deeds. The wording of the right-of-way will describe the details of the agreement. For example, the agreement may be temporary or permanent; it could grant the right to drive over the land or to build something on the land, or any combination of actions that one could not ordinarily do on another person’s land.



## Frequently Asked Questions (*Continue*)

### **6. What if inaccurate information appears on the right-of-way (e.g., wrong owners)?**

The Authority's solicitor will address individual discrepancies.

### **7. What are the notary requirements?**

The right-of-way transmittal letter will describe all the requirements for proper execution of the legal documents.

### **8. Why doesn't the right-of-way document indicate physical facilities on my property such as my home, driveway, etc.?**

The right-of-way document is a totally different technical document than the construction drawing. The construction drawings show the physical facility. The right-of-way drawing defines the right of way by a line defined by a bearing referenced to the compass points (north, south, east and west) and bearing angles and lengths. These descriptions were prepared utilizing your property deed as obtained from the County Courthouse.

### **9. What rights and duties do I have if I grant a right-of-way?**

You will still have the right of ownership of your land. You may continue to use your property. One change is that your use of the property may not interfere with the use of the right-of-way holder's use of the land. For example, you may not build a structure such as a house, swimming pool or other obstruction over the sewer line because that would interfere with the ability of the Authority to properly maintain its sewer system.

### **10. What restrictions will the right of way impose?**

The temporary construction right of way will allow construction equipment and materials within the right of way. After construction the temporary right of way is dissolved. The permanent right of way will not allow you to construct any structure or any other obstacle that would prevent the Authority access for sewer maintenance.

### **11. What happens to the right-of-way if I sell my property?**

Right-of-ways forever remain with the property, regardless of who owns the property. So, if you sell your property to someone else, the Authority will continue to hold the original right-of-way.

### **12. What will my property look like during the construction of the sewers on the right-of-way?**

Sewers are constructed sufficiently deep in the ground to provide gravity service to the houses they serve. This requires depths, at a minimum, several feet below your basement elevation. Thus trenches several feet wide and frequently 8 feet deep or deeper are needed for the placement of the pipe. The construction equipment necessary to dig this deep and to allow efficiency in construction are large machines (larger than a backhoe and maybe best described as similar to a "steam shovel"). In addition, smaller backhoes are required to remove dirt and to place the gravel in the bottom of the trench and above the sewer pipe. This construction will obviously destroy existing grass and other surface vegetation. Trees, shrubs, and other larger vegetation must also be removed. It normally will take at least a day to cross a typical property (e.g., 100 feet or less) and substantially longer if rock is encountered.



## Frequently Asked Questions *(Continue)*

### **13. What materials maybe stored along the temporary construction right of way?**

There maybe plastic sewer pipe and manholes “strung” along the construction right-of-way. The Contractor will make separate arrangements for the storage of large quantities of pipe, manholes, and construction materials such as gravel bedding.

### **14. What will my property look like after completion of the project?**

The ground surface will be returned to its original condition. Any trees or large shrubs in the path of the sewer will be removed. The Contractor will provide replacement trees and/or shrubs. There may be slight ground settlement along the sewer trench that may occur within a year of construction. When the Authority is notified of this condition, the Contractor will correct the problem. In some cases the homeowner may have a manhole lid visible in the yard.

### **15. What other “disruptive” impacts may there be?**

For several hours you may loss access to your driveway, sidewalk, etc. Traffic patterns may also be disrupted. The Authority will employ a person(s) to observe the construction. These observer(s) will contact each affected property owner in advance to allow for the proper preparation. We will attempt to keep the time you are inconvenienced to a minimum. Restoration of concrete driveways will restrict vehicular traffic for several days during the cure time.

### **16. How long can I expect for my property to be restored?**

The trench will normally be filled slightly above grade the same day as constructed. If left open, special safety provisions are required to be made by the Contractor. The Contractor, at the latest, will start final restoration at the completion of construction. In the worst case, full vegetative growth may not occur until early spring if the construction starts in the summer of this year. Starting the project in the spring is important to complete restoration by the end of October.

### **17. What happens if there is trench settlement, poor grass development or other restoration issues that develop after the contractor is completed with the project?**

The Contractor is required to return to correct any contract deficiencies that may appear within an 18-month period. The Authority contract with the Contractor includes an eighteen (18) month insurance policy (i.e., maintenance bond). If a problem develops within 18 months of the final payment to the Contractor and the Contractor, after proper notice is given by the Authority, does not return to correct a problem, the Authority may file a claim against the maintenance bond company, and they are then legally obligated to correct the deficiencies.

### **18. Can right-of-way changes occur after I grant the right-of-way?**

Yes. During construction obstacles may be encountered which require the sewer alignment to be altered. If this should occur and it affects your right-of-way you will be contacted.



## Frequently Asked Questions (Continue)

### **19. Who determines the location of the sewer alignment during construction, and thus the location within the right-of-way?**

The sewer alignment was designed by the Authority's Engineer working with the Authority's Manager. The physical staking of the sewer layout is the responsibility of the Authority's Contractor, who is responsible to install the sewer within the right-of-way.

### **20. Have sewers ever been constructed outside the right-of-way?**

It is rare, but sewers constructed outside of the right-of-way can occur. If this is discovered you will be notified and feasible alternatives will be evaluated. In some cases, revising the right-of-way with the property owner's consent is the most cost-effective solution.

### **21. Will we be inconvenienced during construction traffic wise or with my own driveway?**

There will be some traffic restrictions but generally at least one lane will always be open. As far as private driveways go, the construction inspector normally will contact the homeowners in advance of any work that will cross their driveways so they can make arrangements to park elsewhere for that time period. Usually the inconvenience will only be for a few hours. During driveway restoration, vehicles traveling on the newly installed surface will be restricted during the cure phase.

### **22. With a 25-foot right of way and an additional temporary construction right-of-way, will the entire width be disturbed by the Contractor?**

The contractor will probably disturb a good portion of the right of way. But they generally won't leave a swath the width of the temporary right-of-way. Trees in the temporary right-of-way generally can be worked around or maybe just trimmed. Trees inside the permanent right-of-way in the path of the sewers will be removed.

### **23. Will there be ditches left open at night?**

No, the contractor will open only enough trench that he can install sewer and backfill in one working day. Any open trenches will be backfilled at the end of the workday. Steel plates will be placed over any open holes overnight for safety.

### **24. Will they plant grass as soon as they're through my property?**

No, generally if the trench goes through lawn area the contractor will mound up soil over the trench and wait for a few good rain events so the trench settles naturally, then final restoration and planting will be performed.

### **25. How long will the contractor be on my property?**

Generally a contractor can install several hundred feet of sewer a day so they will probably cross a property in one working day, however rock can slow the progress substantially.



## Frequently Asked Questions (Continue)

### **26. If I grant a right-of-way across my property does that give the contractor the right to access my property via my driveway or over my yard?**

No, the contractor can only access your property along the easement. The contractor must make arrangements with the property owner if he wants to access the jobsite any other way. That's entirely up to the individual property owner.

### **27. Does the Authority contractor connect my home to the sewer?**

No, each homeowner is responsible to hire his own plumbing contractor.

### **28. Can I hire the Authority's contractor to install my service sewer?**

Typically sewer installation contractors do not do service sewer installations. After the sewer system is built, tested, and accepted by the Authority, the homeowner is notified to connect and typically the contractor has removed his equipment and demobilized by this time. If the sewer installation contractor does not service sewer installation, the homeowner would enter into a private contract and the Authority has no responsibility or guarantee for the service sewer installation and no responsibility for restoration as a result of the service sewer construction.

### **29. What will happen to my sidewalk, driveway, shrubbery, trees, etc.?**

The Authority contractor is required to restore all disturbed surface areas to pre-construction conditions. Shrubs removed will be replanted, lawns are replanted, concrete sidewalks and driveways are saw cut along the trench and restored, asphalt drives are restored with new asphalt along the sewer trench, gravel drives are restored with limestone, and trees are cut and removed. The contract requires tree replacement, and the replacement tree will be from nursery stock and will be minimum specified size.

### **30. What can I do as a homeowner to provide assurance the proper restoration will occur?**

Property owners may want to take still photographs and or videotape of the property for their own records.

### **31. How much is the Authority paying each owner for right-of-ways?**

The Authority is requesting all right-of-way be granted at no cost. Any money paid out for right-of-ways escalates the project costs and eventually customers pay the increased cost in the form of increased assessments.

### **32. What happens if I do not grant right-of-way for sewer construction?**

The Authority is hopeful you will grant the right-of-way. It is in the best interest of both the Authority and landowner, if the right-of-way is obtained without going through the Eminent Domain process.

### **33. Exactly what is the "Eminent Domain" procedure?**

Due to the somewhat complex nature of the procedure, the procedure will be explained by the Authority's Solicitor at the public meeting.



## Frequently Asked Questions (Continue)

### 34. What other problem is presented by delays in obtaining right-of-ways?

For the Authority to close on the PennVest loan it must show evidence that it has obtained the right-of-ways. Any delays in obtaining the right-of-ways could delay the project financing. Moreover, construction cannot proceed until the right-of-ways are secured. Time delays in securing right-of-ways could delay the receipt of construction bids. This delay will impact the project in two ways. First, the construction season may be pushed later into the year. This will result in restoration not being planted in the optimum planting and growth season. Restoration efforts thus become more difficult and construction inconveniences become greater. Second, the cost of the project could also be more expensive if the Contractor bids a higher construction cost to account for weather related issues that could make construction more inefficient and require more restoration efforts.

