

## FAIRFAX COUNTY

# All About Easements

One fine morning, you look out your living room window and see workers digging up your lawn. Can they do that?! The answer is probably ‘yes’ because most properties have several types of easements, most often VDOT, storm drainage, water, and utilities. Other easements could include conservation, Chesapeake Bay preservation, and historic preservation. Information about easements for conserving open space and historic resources is available at the County’s web site at <http://www.fairfaxcounty.gov/dpz/historic/easementsfaq.htm>.) You can also find information about storm drainage and VDOT easements at [http://www.fairfaxcounty.gov/dpwes/utilities/sde\\_row.htm](http://www.fairfaxcounty.gov/dpwes/utilities/sde_row.htm).

Because a number of calls and complaints have come into my office this summer about a telecommunication company’s work in easement areas on private property, I’d like to provide some information and resources for assistance should you have questions or problems with utility work done on your property.

While most easements are recorded on the documents you get when you purchase your property, there are some exceptions and my office has information on locating easements and obtaining land records. If you would like a copy, please contact us at 703-971-6262 or by email at [leedist@fairfaxcounty.gov](mailto:leedist@fairfaxcounty.gov). Fairfax County’s Department of Consumer Protection can also assist with problems or disputes with utilities that are working on your property. You can reach them at 703-222-8435 or at <http://www.fairfaxcounty.gov/consumer.htm>.

Here are some easement basics from the Department of Consumer Protection:

- The existence of an easement does not give a utility the right to plop itself down in your yard, dig, and leave you with a large hole and a mountain of dirt. If you have a dispute with a specific contractor and have determined that no easement exists, you may refuse entry to your property or negotiate an easement.
- While easement disputes between individual landowners and utility companies are private property matters, the County’s Department of Consumer Protection can assist you with any complaints. For example, if you have construction damage, the County will reinspect until the damage is repaired.
- The State Corporation Commission that oversees utilities requires utility companies to “make every reasonable effort to restore private property to a condition that is at least as good as that which existed prior to the disturbance.” Please note that this means that all disturbed areas must be seeded and mulched. Residents are responsible for watering grass seed and sod is not required to restore lawn damage.

As always, my staff and I are here to assist you.