

OC San Easement Policy

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Administration Committee
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OC SAN
ORANGE COUNTY SANITATION DISTRICT

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Types of Easements

Different Types of Easements in California Real Estate:

- **Expressed** – use another’s property for a specific purpose, such as access or utilities (most common)
- **Prescriptive** – acquired through open use of an owner’s land which is adverse to the owner’s rights, for a continuous and uninterrupted period
- **Implied** – is a non-recorded, legal right to use another person’s property
- **By Necessity** – created by law because the easement is indispensable to the reasonable use of nearby property – split parcel

In California, public easements are usually express easements documented in the property deed prior to ownership. The type of easement affects how it can be terminated and the uses permitted under it.

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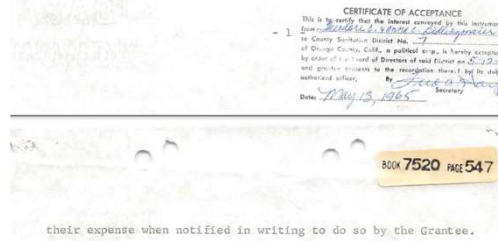
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Typical Easement Language

e. No building or structure of any kind shall be placed, erected or maintained thereon.

d. No fill shall be placed or maintained over the surface of the ground as it shall exist within the lines of said easement and right of way upon the completion of the improvements to be constructed therein greater than six feet in depth.

Further, it is agreed by the Grantors that any structure placed upon, or tree, plant or shrub planted on, along, or adjacent to said easement which injures the sewer or interferes with the maintenance thereof shall be removed by the Grantors at



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Photos



*The arrow indicates the path of easement

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Initial Easement Assessment

Phase 1:

As of February 2026, 916 land records were identified. As of today, that number has increased by 50 to 966; of these, 781 have been evaluated, and 185 remain in various stages of evaluation. Tentative completion of Phase 1 is scheduled for June 2026.

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Easement Evaluation – Surveys

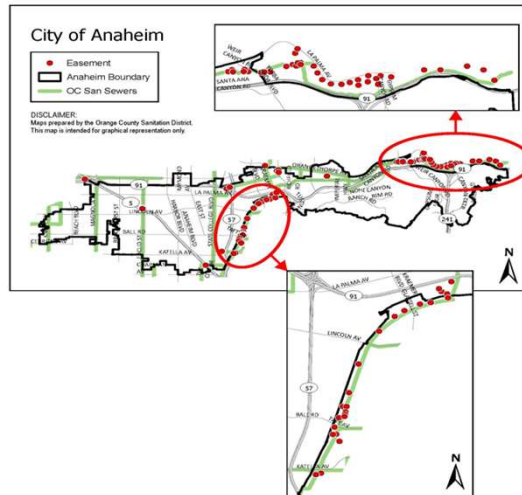
Phase 2:

As part of Phase 1 efforts, we completed a survey analysis for project 7-69 in the cities of Orange and Tustin in December 2025. Additionally, we began a survey of residential properties along our Concord Easement in Costa Mesa in March 2026.

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Sample Map by City



Sample map of easement locations by city

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Policy and Procedures

OC San is in the process of developing more comprehensive policies and procedures to address easement encroachments and relinquishments.

The policies will:

- Outline steps to identify and manage easement encroachments
- Address situations where private or public structures, landscaping, or activities interfere with designated easement areas

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Policy and Procedures

Ensure that all stakeholders are informed and their rights are respected.

The goal is to create a transparent framework that:

- Facilitates effective communication regarding easement-related concerns.
- Safeguards the interests of the community.
- Protects the integrity of public infrastructure.

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Recommendation

Informational Item.

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