

PRIVATE RIGHT OF WAY AGREEMENT

The following contains a checklist of provisions that shall be incorporated into a private right-of-way agreement.

- 1. Type of Instrument – Deed of Easement or Agreement for Easement.
- 2. Date
- 3. Parties – All property owners affected.
 - Joining spouses, if any – heirs
 - Corporations – designate and state of incorporation
 - Partnership – the partners and partner designation
- 4. Consideration – Amount paid for easement if any.
- 5. Grant
 - Personal to parties involved
 - Binding on heirs and assigns
 - Covenant running with the land
- 6. Description
 - Political subdivision where located
 - Metes and bounds
 - Courses and distances
 - Monuments, adjoiningers
 - Recorded map or plan
 - Surveys
 - Quantity
- 7. Recitals – Origin of the parties’ title entering agreement or deed of easement.
- 8. Subject Matters
 - Purpose of right-of-way (access and utilities)
 - Width (berm, cuts, slopes, culverts)
 - Drainage
 - Maintenance, repair
 - Cleaning
 - Limitations on use
 - Liability of parties or land for subject matters agreed upon- Damages