

Gillespie County - Community Educational Meeting
November 27, 2018

Easement Terms – Items that Should Be Included in Pipeline Company’s Initial Offer

Limit to only one pipeline
Limit easement width
Specifically identify easement location
Limit pipeline diameter

Easement Terms – Construction

Request pipeline be buried at specific depth
Request Double-ditch installation method
Specify what surface facilities, if any, are permitted
Address access for property owner during construction
Fencing issues
Livestock issues
Restoration standards – easement area
Restoration standards – driveway or roadway
Hunting

Easement Terms – Long-term Maintenance and Operation of Pipeline

Limit pipeline company’s access to only the easement (no access to remainder property)
Limit type of product running through the pipeline
Limit maximum operating pressure of the pipeline
Reserve surface uses of easement for property owner (ex: utility extensions)
Include right for future damages
Non-exclusive easement (other pipelines to be installed in same easement)
Clear explanation of pipeline company’s maintenance responsibilities
Easement abandonment / termination clause
Requirements (if any) for removing pipeline if abandonment occurs
Limit the terms of transferability
Define remedies for pipeline company’s violation of easement agreement
Indemnification provision
Require minimum amount of insurance coverage / list property owner as ‘insured’

LUKE ELLIS
MARRS ELLIS & HODGE LLP
805 WEST 10TH STREET, SUITE 400 AUSTIN, TEXAS 78701
MAIN: 512.215.4078 | FAX: 512.628.7169 |
EMAIL: LELLIS@MEHLAW.COM