



TEXAS EASEMENTS

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Easements are an important legal concept in Texas that can have a significant impact on property owners and land buyers. Whether you're landowner who's been approached about selling an easement, a person or company who benefits from an easement or someone looking to purchase land that already has an easement associated with it. It's important to understand your rights and obligations. So what exactly is an easement? Simply put, an easement is the ability to use land that you do not own. This can include anything from utilities, like gas, water, or electricity lines to roads or pathways. Let's say you're a property owner and utility company, or neighboring land owner approaches you with an offer to buy an easement. If you agree, you'll sign an agreement that outlines the specific terms and conditions. This can include things like the width, duration, purpose, maintenance, and or compensation you may receive.

For the easement, it's always best to have an attorney review the agreement before you get things signed. Now, let's say you're looking to purchase or sell land in Texas, but the land does not have public road access. Well, more than likely you'll need an easement. In this scenario, an access easement will need to be signed and recorded in the real property records in the county in which the land is located. Once the easement agreement is recorded, you will have access to and from your land. When looking to purchase land in Texas, it's extremely important to know that the easements generally run with the land, meaning they're attached to the property itself and passed with the title to subsequent owners. This means that if an easement exists on a property, it will continue to exist and be binding on future owners of the property unless otherwise specified in the easement agreement.

And here's the thing, easements can have an enormous impact on the use and value of your property. If you own land and there's an easement that allows a utility company to build power lines or install a pipeline, it can limit your ability to build on that land or impact the land's value positively or negatively. In addition, easements can become the subject of dispute between landowners and easement holders. If the easement holder uses the land for a purpose beyond what was specified in the agreement, or if the easement isn't properly maintained, it can lead to conflict that may take legal action to resolve. So we can't stress enough how important it is to understand your rights and obligations under the easement agreement. If you have any deeper questions about easements, especially before you make a major rural real estate purchase, call us anytime. Our team has a wide range of experience and network that can help answer your questions.