

**CITY OF STARKVILLE POLICY**  
**GOVERNING WORK UNDERTAKEN**  
**WHEN OPERATING WITHIN DEDICATED EASEMENTS**

WHEREAS, the right of the City of Starkville to use land across which its utilities extend necessarily includes the right to exercise all incidents necessary for the full benefit and enjoyment of that easement, one of which is ready accessibility to the utility line for maintenance and repair, and that the erection or creation of any obstructions on or over a utility right of way constitutes an unwarranted interference with the rights of the City of Starkville; and

WHEREAS, the City of Starkville has the burden of maintenance and repair to its system, including but not limited to clearing trees from interfering with utility lines, with respect to utilities located within dedicated easements; and

WHEREAS, because of said burden of maintenance and repair, the City of Starkville has an implied secondary easement to enter the servient property to perform necessary maintenance and repair, with full rights of ingress and egress to its utility facilities with or without notice to, or permission from, the landowner; and

WHEREAS, dedicated easements run with the land and the rights and obligations that accompany them have already been acquired when the City exercises its rights to maintain and repair.

WHEREFORE, the City adopts the following policy:

1. Underground operations. The City of Starkville, when working underground within dedicated easements, will endeavor to disturb the natural landscape, along with real and personal property, as minimally as possible, and shall restore the ground via seeding and/or sprigging to close to the same or similar condition as it was in during its natural state prior to the commencement of the work, along with making repairs to any fencing used to access the property. However, no compensation for disturbing or removing other man-made items or structures, trees, portions of trees, ornamental plants, or other landscaping shall be paid to the underlying property owner, the City shall not repair or replace these items if they are damaged during the work, and such underground operations shall not create additional maintenance obligations to the easement territory by the City.
2. Above-ground operations. The City of Starkville, when working above-ground within dedicated easements, will endeavor to disturb the natural landscape, along with real and personal property, as minimally as possible, and shall restore the ground via seeding and/or sprigging to close to the same or similar condition as it was in during its natural state prior to the commencement of the work, along with making repairs to any fencing used to access the property. However, no compensation for disturbing or removing other man-made items or structures, trees, portions of trees, ornamental plants, or other landscaping shall be paid to the underlying property owner, the City shall not repair or replace these items if they are damaged during the work, and such above-ground operations shall not create additional maintenance obligations to the easement territory by the City.

This Policy balances the rights and expectations of property owners with the rights and obligations of the City of Starkville to maintain and repair equipment within dedicated easements in a manner so that its services remain dependable, the equipment is safe and functioning, and the public is well-served.