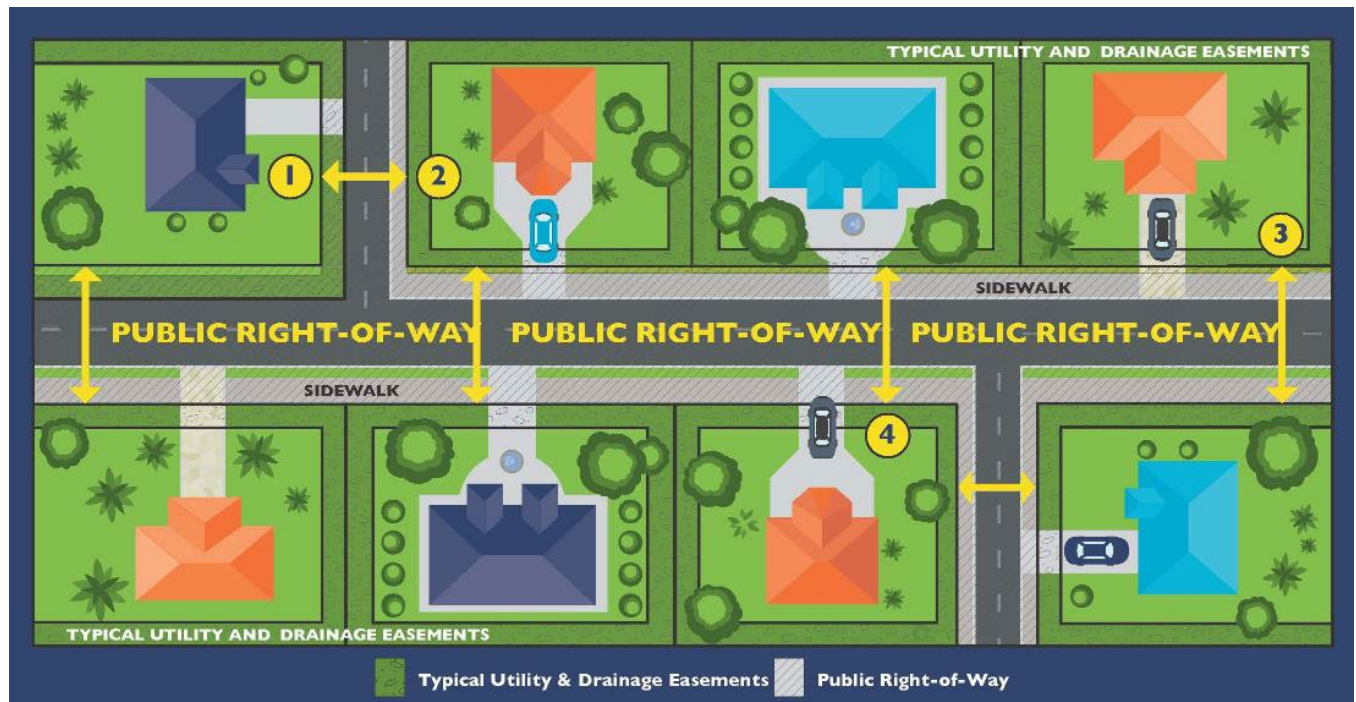


## RIGHT-OF- WAY AND EASEMENT EXPLANATION: CITY OF MEMPHIS



Learn about the distinctions between easements and rights-of-way in Memphis:

Below are brief explanations of areas marked by numbers on the image provided. Note: hatched lines indicate the boundaries of rights-of-way (ROW).

1. There is no sidewalk, and the ROW extends slightly into the yard.
2. The sidewalk runs adjacent to the street/curb. The ROW crosses the sidewalk and terminates at the edge closest to the home, adjacent to the grass.
3. The sidewalk is next to the street/curb. The ROW extends across the sidewalk and partially into the grass.
4. A grassy area separates the street/curb and the sidewalk. The ROW starts at the street/curb, traverses the grass, and extends to the far side of the sidewalk nearest the home.

The City of Memphis frequently addresses inquiries regarding the distinction between "rights-of-way" and "easements." These terms denote property interests managed by the city, other governmental bodies, and public utilities. Here is a brief overview of how these terms define city-managed property interests; other entities may use them differently.

## Right-of-Way

The term "**right-of-way**" covers various uses, primarily for transportation and utilities like electricity, water, gas, or oil. In Memphis, it represents a property interest held by the city for public use. The city retains ownership rights and regulates its use by the public and entities, including roads, railroads, power lines, pipelines, and other infrastructure per the Unified Development Code (UDC) Section 5.3.

[Link and QR Code to Develop901 site for UDC:](https://www.develop901.com/landuse-developmentservices/zoningSubdivisionAdministration)

<https://www.develop901.com/landuse-developmentservices/zoningSubdivisionAdministration>



In Memphis, the term "right-of-way" designates a property interest held by the City for public use under trust. The City retains ownership rights and has the authority to regulate its utilization by the public, as well as by public or private entities.

When understanding the right-of-way in Memphis, the boundary defined is not only the public roadway but also an adjoining area alongside it. The width of this right-of-way extends beyond just the paved or concrete part of the road. For instance, where the sidewalk meets the curb (as opposed to where there's a gap between them), the right-of-way often stretches several feet beyond this distinctive boundary. In many residential neighborhoods within the city, the right-of-way extends into areas that are commonly thought of as private property.

Determining the exact width of the city-owned right-of-way at a specific location isn't always straightforward and requires reference to subdivision plats or other legal documents, often confirmed by a surveyor on-site. It's crucial to understand that the location and dimensions of the right-of-way can vary widely across different parts of the city. To access the records associated to your property please visit the Register of Deeds' GIS website and search for your property address using the prompts provided.

[Link and QR Code to Register of Deeds GIS:](https://gis.register.shelby.tn.us/)

<https://gis.register.shelby.tn.us/>



Utility providers such as water, sewer, and telecommunications companies are permitted to install their infrastructure within the public right-of-way in Memphis per the UDC Section 5.3.4. In certain cases, federal and state regulations limit the City's authority to restrict this usage by providers. To oversee activities in the right-of-way, Memphis enforces its Right-of-Way Regulations. Before commencing any work within the right-of-way, companies must secure a permit from the City. This permit specifically governs activities conducted within the designated right-of-way and does not authorize work outside of this area.

**Landowners** also have some obligations when it comes to right-of-way. Under Section 4.6.4.F of the UDC, landowners must maintain landscaping within the right-of-way surrounding their property.

## Easements:

An "**easement**" grants specific usage rights on another's property, as detailed in conveyance documents such as property deeds and plat books. Appropriate easements shall be provided for public infrastructure and utilities per UDC Section 5.1.3. In Memphis, utility easements are prevalent, allowing service providers access to install, maintain, and repair utilities such as electric



lines, water pipes, and junction boxes. These rights typically supersede those of property owners, ensuring utility access and maintenance. To access the records associated to your property please visit the Register of Deed's website and

**Utility easements:** Most properties in Memphis contain utility easements designated for use by both public and private utility service providers. These easements grant utilities the authority to enter private property for the purpose of constructing, installing, maintaining, protecting, and repairing infrastructure such as overhead electric lines, hand holes, underground water and sewer lines, and junction boxes. Rights within these easements typically take precedence over those held by the property owner. To determine the location of underground utilities on a property, individuals can contact 811.

## Cited Sources:

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