

POLK-BURNETT ELECTRIC COOPERATIVE

Policy No.: **M-2**

Subject: **Electric Rights-of-Way and Easements**

Objective: To control the costs of constructing and relocating distribution lines and facilities by placing the responsibility for such costs, as appropriate, on the owner or authority requesting or requiring such construction or relocation rather than on the members as a whole.

- A. **In General.** Wherever possible, and with regard to financial consideration, the cooperative's lines and facilities shall be located upon private property under easements granted by the owner, rather than upon highways or other public rights-of-way.
- B. **Form of Easement.** The general manager shall draft a standard form of easement for use throughout the system. The standard form shall be revised, and adopted by the board of directors as revised, from time to time in order to ensure that it comports with cooperative policy and the law of easements in Wisconsin.
- C. **Adjacent Lands.** The person who seeks to become a member and to receive electric service from the cooperative shall ultimately be responsible to secure all necessary and convenient easements from adjacent property owners upon whose land it may be necessary to locate lines or facilities in order to provide the requested service.
- D. **Uniform Application.**
 - a. The standard form of easement shall be implemented uniformly as to all members of the cooperative. In operation, the general manager shall have the discretion to vary the requirements of the policy under a separate agreement with the member on a case by case basis, and then only where such agreement specifically precludes any precedent applicable to the membership in general and where such agreement includes a waiver, indemnification and hold harmless from the member to the cooperative as to any liability, claims or damages that might arise from the variance.
 - b. The general manager shall have the discretion to require that a member requesting a variance from the standard form of easement, or a change from an existing easement to another form of easement, or to an easement reduced to the specifications of a member commissioned survey, be required to pay all costs, fees and expenses associated with accommodating such requests including, but not limited to, all administrative, legal, recording and engineering expenses incurred by the cooperative.
- E. **Obstructions.** The standard form of easement and/or applicable laws shall prohibit the grantor from taking any action, which would decrease the clearance between the cooperative's lines and facilities and the ground and/or structure and thereby result in the power line being in violation of federal, state, or local safety codes. The easement shall also prohibit the grantor from placing any obstruction on, over or under the ground, which would interfere in any way with the cooperative's reasonable and convenient exercise of its rights under the easement. The easement shall also contain a provision whereby the member holds harmless and indemnifies the cooperative from and against any and all liability, losses, costs, expenses, claims or damages that arise from the member's violation of this policy or the terms of an easement. All costs associated with the resolution to the obstruction issue will be at the expense of the member/property owner. The easement shall reserve to the cooperative the right to remove and to dispose of any such obstruction, which shall be at the owner's sole cost and expense if a satisfactory resolution is not achieved.
- F. **Access.** The standard form of easement shall authorize cooperative employees to come upon the grantor's land for the purpose of access to the easement and for the construction, maintenance, repair, relocation, replacement and inspection of lines and facilities, including unobstructed access to all cooperative facilities including but not limited to, poles, wires, transformers, and meters. If access to the cooperative facilities is

negatively affected, the reestablishment of access for appropriate personnel and necessary tools, equipment and vehicles to any and all facilities owned by the cooperative shall be at the expense of the member/property owner.

- G. **Other.** This policy shall at all times be interpreted and applied in a manner consistent with other related cooperative policies which include, without limitation, line extension and clearing, facility relocation and member equipment policies.

Edward O. Gullickson, President

January 23, 2023