

SCENIC RIVERS ENERGY COOPERATIVE

Policy S.3

Electric Rights-of-Way and Easements

RESPONSIBILITY: CEO and Employees

- A. **In General.** Wherever possible 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 CEO 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.** A person who seeks to become a member and to receive electric service from the Cooperative shall be responsible for securing all necessary easements from 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 CEO shall have the discretion to vary the requirements of the easement 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 a hold harmless clause from the member to the Cooperative as to any liability, claims or damages that might arise from the variance.
 - b. The CEO 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 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 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. The easement shall also contain a provision whereby the member waives, indemnifies, and hold the Cooperative harmless of any liability, claims or damages that might arise from the member's violation of this policy.

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- 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.

Information contained in this Policy is subject to update or modification by the Cooperative at any time and at the sole discretion of the Cooperative. Such information includes (but is not limited to) policies, procedures, rates, tariffs and applications. Some information may change as a result of external factors such as new legislation or regulations. Prior to making use of the information contained herein, please check with appropriate Cooperative staff.

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