

How are power line easements obtained?

State and federal laws regulate acquisition of real estate for public use to build transmission lines and substations. After OG&E representatives have obtained any needed government approvals, they begin to acquire easements from landowners for locating and constructing the new line. They will follow a standard set of practices.

Abstract of title

OG&E develops a title report to include the legal description of the property, the owner(s) of record of the property, and information regarding easements, liens, restrictions, encumbrances and other conditions.

Survey access

A right of way representative contacts each property owner to inform them of the project. The right of way representative describes the need for the transmission line, how it may affect the property and obtains permission for crews to enter the property and complete a preliminary survey. This may include drilling to evaluate soil types.

Document preparation

OG&E prepares documents required to complete each transaction. Documents that may be required include an access easement or easement purchase agreement. OG&E is purchasing easement rights – not buying the property.

Acquisition process

The OG&E representative views each property on which easement rights are to be acquired to determine the appropriate amount of compensation for the rights. In some instances, an appraisal may be done. The right-of-way representative then makes an offer to the owner to obtain the property rights.

Negotiations

The right of way representative begins the negotiating process by answering property owner questions and understanding concerns. Then, the representative presents the appropriate document(s) to the property owner. The representative also provides maps of the line route or site, maps showing the landowner's parcel and an offer of compensation. The landowner then considers the offer and can provide material to OG&E that the owner believes is relevant to deciding the value of the property.

Negotiated settlement

In most cases, OG&E representatives address landowner concerns and arrive at negotiated settlements that are fair and acceptable to everyone. In some cases, however, the landowners may choose to have independent third parties determine the value for the rights. This is accomplished through the exercise of the utility's right of eminent domain. The process of exercising the right of eminent domain is called condemnation.

Acquisition by eminent domain (condemnation)

In any project that requires easements for power line construction, the goal is to offer fair and equitable compensation to landowners. OG&E initiates condemnation proceedings in the local District Court only when reasonable efforts to negotiate an agreement have failed.

Before construction

Once easement or land rights have been acquired and prior to construction, OG&E's right of way representative contacts the property owner and discusses the construction schedule. Before construction begins, right of way boundaries and the location for each structure are identified.

During construction

During construction, the following may be required: Temporary removal or relocation of certain fences; installation of temporary gates; early harvest of crops; removal or relocation of equipment and livestock from the right of way. If needed, permanent gates may be installed for future maintenance access. Trees and other vegetation will be cleared from the right of way in order to minimize power outages and maintain reliability.

Restoration and cleanup

Upon the completion of the construction process, the right of way and any other property affected by OG&E construction of the line is restored as nearly as possible to its original condition. Before the right of way is officially closed, an OG&E right of way agent inspects each parcel with the property owner and/or tenant to settle any damage to crops, fences or related property.

Easement Use

Land within the right of way may be used for any purpose that does not interfere with constructing or operating the transmission line. In agricultural areas, land may be used for crop production and pasture. In areas where land will be developed, streets, lawns, underground utilities, curb and gutters, etc., may cross the right of way with the utility's permission. The easement prohibits constructing structures or planting trees in the right of way.

Permitted or compatible uses within the right of way, as well as specific restrictions, are usually outlined within the OG&E easement. In general, land uses that do not conflict with the National Electric Safety Code, local zoning, access and other requirements are most often permitted.

Property owners should contact OG&E's Land Management Office prior to beginning any construction or property improvements within the boundaries of the OG&E right of way. This includes any changes to the existing ground line contour such as construction of terracing, stock ponds, irrigation systems or any other above-ground obstacles. This will insure that such plans do not interfere with the safe operation and maintenance of the line.