



LAND RESEARCH AND TITLE WORK

Critical steps for utility projects

BY ROB SCIMEME

There are certain requirements that must be met when it comes to research and title work for utility projects. When tackled successfully, research can help promote efficiency, maintain schedule constraints and acquire appropriate land rights to support project implementation. During these steps, it is important to keep in mind that not all projects are created equal. Some require additional or specific attention to detail.

For example, a linear utility project may mean a new or existing electric or gas line will be upgraded or constructed along a subject line requiring easement rights from all impacted parcels. A substation project conversely may mean that only one or two parcels may be required to support the proposed construction.

Linear oil and gas, electric distribution, transmission, substation and greenfield projects all demand differing research and title search practices to ascertain the necessary data during due diligence. For example, linear projects require development of a “line list” for a proposed route at the beginning of the scoping process as new or expanded rights may be required on all impacted parcels where facilities are proposed to be installed, maintained or upgraded. The associated title work for a linear project may simply capture current ownership to determine if the proper party

is engaged to acquire the necessary easement rights or aid in route selection based upon estimated acquisition timing and unique property attributes uncovered by the initial research. This title work will also capture current land use and ownership type supplying the project team with very beneficial data to deduce the best design and acquisition approach measures. If performing research for a greenfield substation purchase, this initial research would require a full title search back to patent to obtain all items that encumber the subject parcel. This is critical in determining a suitable site and would include all existing easements, liens and claims on, over, across and under the subject parcel. Purchasing a site that has substantial facilities already in place may render it infeasible for project needs, causing schedule and cost ramifications.

Before extensive research and line list development can begin, the initial routing and project walkdown must be completed. During the project walkdown, team members from the engineering, stakeholder engagement, construction and land and survey groups gather pertinent information and assess field conditions to determine needs for property rights. This includes existing prescriptive rights, existing easement corridors, targeted properties, public road right of way width, topography and encroachments.

As soon as initial routing and project walkdown occur, steps to complete land research, line list development and existing rights research can begin. These procedures involve discovering what type of ownership is involved — private landowner, business, community, industrial, medical, school or other special uses — and how the land is being used. Land uses usually fall within the categories of residential, industrial, commercial, municipal, state or federal.

A line list is created by searching public land records to capture parcel numbers, streets, boundary lines, sensitive environmental areas, road, rail and river crossing as well as an overlay of historical land record maps based on the proposed project or circuit route location. This data is then used to determine what additional county title research, internal utility company records research and additional due diligence is required to acquire the necessary property rights for the target parcels, as well as develop alternatives for engineering for challenging locations. As an example, if a portion or all of a proposed utility project or route is located within a historic district, there will be significant considerations that need



to be reviewed by the project team to enable proper compliance with laws and regulations. This compliance may have design and schedule restrictions that guide the project to develop alternative approaches.

Findings from this research also highlights gaps in existing rights and helps reduce time needed to acquire additional rights. Failure to perform proper county land records title search and research due diligence can create risks to schedule and cost overruns. I have been on project where the proper title search was not completed and a site for a substation was acquired in fee and later rendered infeasible due to an existing underground sewer easement bisecting the property. This sewer line could not be rerouted or relocated costing the project time and significant cost.

When completed properly, these important steps create a more seamless utility project experience and help expose existing issues for further review, strategy and mitigation. Even where proper due diligence and title research is appropriately performed, risks exist requiring collaboration and communication across all functional areas on a project team to mitigate these risks.

Whether you are building an overpass, upgrading an electrical distribution circuit or constructing a new transmission line, title and research practices are imperative to avoid costly surprises. 🌟



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