

“From the Alliance Lawyers”
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Do Not Sign an Easement Voluntarily with RICL. By now, if you received an RICL letter and live in O’Brien, Clay, Palo Alto, Kossuth, Hancock, or Wright Counties and your land is in the proposed RICL right-of-way, you will soon be approached about signing an Easement if you haven’t been approached already. If you are the least bit hesitant about doing so, please don’t. Wait until RICL has to obtain eminent domain (condemnation) authority over your land. There are many good reasons not to sign until condemnation:

- 1) It’s very premature. RICL doesn’t even have permission from the Iowa Utilities Board yet to proceed with this project. It might not get that permission.
- 2) It’s too early for you to ascertain right now what the market value of such an easement is. Sure you know what RICL is offering. But what is market value? If no one has sold any farmland in your township for the last 20 years, but you and three neighbors are each considering selling, do you want to be the first to do so? Or would you like to first get a better idea of what the market price of your land might be through a very current comparable sale? Let your neighbor sell first. Then work at getting a better price than he did.
- 3) If you wait to be condemned, you will not get any less than your neighbors. When RICL has to go to condemnation, the compensation fixed for your easement is determined by a county commission. What comparables will that commission look to? Other Easements already given to RICL by your neighbors up and down the road. Do you think the county commission is going to award you less than they received? I don’t think so. Wait until condemnation.
- 4) MOST IMPORTANT: It will make RICL’s row very much harder to hoe. How? Because for every individual easement that RICL has not obtained voluntarily when it petitions the IUB, RICL must do an incredible amount of expensive work. Here’s what the rules require of RICL as to each and every parcel for which it seeks the right of eminent domain: RICL must file with the IUB:
 - a. The legal description of the property.
 - b. A specific description of the easement rights being sought.
 - c. The names and addresses of all persons with an ownership interest in the property and of all tenants.
 - d. A map drawn to an appropriate scale showing the boundaries of the property,
 - the boundaries and dimensions of the proposed easement;
 - the location of all electric lines and supports w/in the proposed easement;
 - the location of and distance to any building w/in 100 ft. of the proposed line;
 - any other features pertinent to the location of the line and its supports or to the rights being sought. 199 I.A.B. 11.2(1)

Don’t sign an easement with RICL voluntarily. Wait until (and unless) they get eminent domain authority from the IUB. Then make them use it. - Mark Truesdell and Justin LaVan.

Beving, Swanson & Forrest, P.C. represents the Preservation of Rural Iowa Alliance, a 501(c)(6) nonprofit corporation incorporated under Iowa law. The content of this article is for the informational benefit of Alliance members; and is not to be relied upon for any other purpose.

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