

Q. How far back from the Government property line on my property should I construct a building?

A. *A building should be constructed so that no part of it is built on or overhangs Government property. You should also leave enough room around the building to perform maintenance without impacting Government property.*

Q. Are there any restrictions on the type of buildings or other facilities that can be constructed on flowage easements?

A. *As an owner of land containing flowage easements, you may not construct or maintain any structure for human habitation, permanent or temporary, on the flowage easement land. Also, you may not place or raise a structure within the easement area by use of piling or other type of foundation or raise the site through use of fill. Owners of land containing flowage easements may request, in writing, permission from the District Engineer to build any structure, other than those designed or intended for human habitation. These structures include, but are not limited to, buildings, ramps, ditches, channels, dams, dikes, wells, ponds, roads, and utility lines.*

Q. What types of activities are permitted on flowage easement lands?

A. *Owners of land containing easements may clear, plant vegetation, or otherwise use the flowage easement property as desired, if not in conflict with the terms or rights acquired by the Government. Owners also have the right to sell or lease the flowage easement land to others, subject to all the restrictions contained in the flowage easement instrument.*

Q. For those activities requiring permits or consents to use flowage easement lands, how do I go about it?

A. *All requests involving public or flowage easement lands must be made to the respective lake project office. The request should consist of a letter of application, detailed plans of the proposed work, and a map showing the location of the proposed action in relation to the U.S. boundary line.*

Additional Information



For additional information on the management policies for lands owned by the Corps of Engineers, contact the nearest lake project office or write to:

U.S. Army Corps of Engineers
Jerry Litton Visitor Center
P.O. Box 428
Smithville, MO 64089
Phone: (816) 532-0174

Guidelines for Property Owners Adjoining Public Land



Smithville Lake



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Kansas City District

Introduction



It is the responsibility of the U.S. Army Corps of Engineers to manage and protect the natural resources of public lands now and in the future. To accomplish this task, the Corps of Engineers adopted a lakeshore management policy on December 13, 1974 to prohibit private exclusive use (private boat docks, mowing, etc.) at lakes constructed after that date. Use of public land by adjacent private property owners or any member of the public which leads the public to believe public land is privately owned is called private exclusive use. For those lakes constructed prior to 1974 where private exclusive use was permitted, past commitments will continue to be honored if possible. Construction of Smithville Lake started in 1976 and it opened to the public in 1982.

Under this lakeshore management policy, property owners adjacent to public lands have the same rights and privileges as other citizens; however adjacent property owners have no additional or implied rights by virtue of the location of their property.

Adjacent landowner's should be aware of a few disadvantages that may exist. The public land boundary line is not maintained, mowed or manicured by the government; however boundary posts, monuments and signage are inspected annually. Trees, bushes, and other undesirable plants may grow on public land. At Smithville Lake, there are 4 types of public land; public hunting, administrative, waterfowl refuge and park areas. The different types of public lands are marked on the lake map. Public hunting lands are open to hunting, fishing, and trapping year round.

This pamphlet is designed to answer some of the more common questions that adjacent property owners and others ask about Corp's management policies for public lands and flowage easements.

Q. How are the boundaries of public lands defined?

A. *Public lands owned in fee by the Government are defined by the U.S. Reservation boundary line, the corners of which are marked with concrete monuments. The boundary monuments are usually set four inches above ground level and are topped with a brass or aluminum cap. The boundary line is usually delineated by line-of-sight yellow markers attached to steel fence posts, but sometimes by fences, shrubbery, or mowed strips. If you have a question about where the boundary is located, you should contact the lake project office.*

Q. Since my property adjoins public land, can I mow or cut trees on or beyond my boundary line?

A. *For those lakes constructed after 1974, mowing permits are sometimes issued to reduce a potential fire hazard around habitable structures which were present at the time of the boundary survey. Other options for land owners include tree trimming and tree cutting permits or boundary line maintenance permits. These permits are often issued to the landowner if trees fall onto adjacent property or they could pose a hazard to the adjacent landowners' property. The permits are issued to the landowner and the landowner can fulfill the permit themselves or hire a contractor. You should contact the project office for specific information on mowing policies, tree cutting permits, and boundary maintenance permits.*

Q. May I build a dock on the lake?

A. *At lakes constructed prior to 1974 where private floating facilities previously existed, you may be eligible to apply for a permit for a floating boat dock within an approved dock zone. For those lakes constructed after 1974, private floating facilities are not allowed.*

Q. May I construct a road or trail to the lake to provide better access?

A. *Roads, improved pathways, or any other access facilities may not be constructed on public land without a license. Access licenses are granted only if such would benefit the general public or serve a project purpose.*

Q. May I construct a fence along my boundary to mark my property line?

A. *Fences and shrub rows may always be constructed by adjacent landowners on their property to delineate their boundary. If you have a question about where the boundary is, please contact the lake project office for assistance.*

Q. What is an encroachment on public property?

A. *An encroachment is defined as any unauthorized use of Government property. This includes, but is not limited to, the construction of buildings, roads, or any other facilities, disposal of garbage or refuse, or the placement of unattended personal property on public property. Activities which result in destruction, injury, defacement, removal or alteration of public property are also considered encroachments. This includes but is not limited to, the building of fires, grazing of livestock without a lease, discharge of sewage effluent or wash water on public property, gardening and removing vegetation, natural features and historical archeological features without authorization.*

Q. What are flowage easement lands?

A. *Perpetual flowage easement interests, which the Government holds on property owned by others, grant the Government full complete and perpetual right, power, and privilege to occasionally overflow, flood, and submerge lands in connections with the operation and maintenance of the water resource project. A similar description should be found in the deed to all flowage easement land, or cited for reference in the appropriate county deed records. In some instances, the reference to a flowage easement restriction is omitted during the preparation of new deeds with changes in property ownership. This omission does not diminish the legality or validity of flowage easement restrictions over the property involved. When proposing to purchase land that you think may be subject to Corp's flowage easement, you should contact the Kansas City District Real Estate Office or the local project office.*