

# Frederick County Water and Sewer Easement Process

September 2025



# Why are we having this presentation?

- Highlight recent changes to our forms and procedures
- Provide insight into our easement process in an effort to help explain it to consultants new to the process and, hopefully, improve the review and approval process for everyone



## The most recent changes to the forms

Added the full exemption language  
required by the Clerk of the Circuit Court

Removed the Election District and  
some minor wording changes



# Requirements and Forms

- Accessed via County Website - Water & Sewer, Engineering & Planning, Forms & Reference Documents, Easements
- Standard Operating Procedures for Property Rights Acquisition in Frederick County, MD
- Procedures for Submission of Water/Sewer Deed of Easement Package (Rev. 12-20-23)
- Title Letter Example, Easement, and Release forms, including the combined easement/encroachment form (Deed of Easement with Private Improvements)
- Forms not included are atypical easements such as those including temporary construction easements and access easements as well as standalone Encroachment Agreements and the instructions for them




# Review Fees

Previous fees for releases and encroachment agreements were eliminated as approval processes for these documents changed.

Those fees were revisited by the Division Directorate and Department leads this year.

This resulted in a fee of \$75 for all standard documents and \$150 for non-standard documents. Non-standard are those documents in which the standard approved language in the form has been changed.



A check for the easement document review fee should be included with the package. If there is more than one package for a particular contract, one check for the combined amount of fees can be used.

While a credit card can be used, special arrangements must be made to do that, a service charge is added, and it should be paid at the same time the package is submitted to avoid confusion.



## Processing Steps within E&P

- Receipt of package in Engineering and Planning and initial review by Administrative Assistant
- Technical Review of description/exhibit by Engineering Staff
- Easement and Title Review by Land Acquisition Staff



# Initial Review

*can be completed only if all required elements are included*

- Routing Sheet with top section completed
- Check(s) for review fees or payment receipt (if paid by credit card)
- Original Easement Document with an original easement description or full-size copy of the recorded easement plat
- Original Title Opinion Letter
- Supporting Documents (i.e. copies of encroaching easements, existing easements being encroached upon, original easements being released)





# Technical Review

*can be initiated after plans are approved, signed by all parties, and copies of the signed plans are received here*

- Improvement Plans are approved, signed, and we have copies of the signed Improvement Plans
- Description is an original print and is to scale
- Description contains surveyor's original signature, seal, license expiration date, and COMAR statement
- Description includes proper ties, calls, a point of beginning, and closes accurately
- All easement areas shown on the plans are included and the areas match the plans
- Any required Releases, additional easements, and encroachment agreements have been provided in separate packages with Routing Sheets and copies of private easements in the package with the public easement



# Easement Document and Title Review

*can be initiated after Technical Review has been completed*

- Document is original, on the approved form, with original signatures
- The description of the area in the granting clause in the document matches the attached description or recorded easement plat
- The title information contained in the document matches the Title Opinion Letter and any required Consents are attached
- Generally, the document is complete, accurate, and meets the applicable standards



## Why is it important to have the easement area fully described in the granting clause?

When multiple packages are received, sometimes for the same property, there is a possibility for descriptions to be attached to the wrong document. It could happen before the package arrives at our office. It could also happen while the various County staff completes their review.

We have also had situations in which discussions about the easement with the engineering consultant identified the fact that description pages were included which the engineer did not intend to be with that document.



# Notifications

After all the review processes have been completed, the Land Acquisition Specialist notifies the contact person on the Routing Sheet the package has been approved or if there are deficiencies to be addressed.

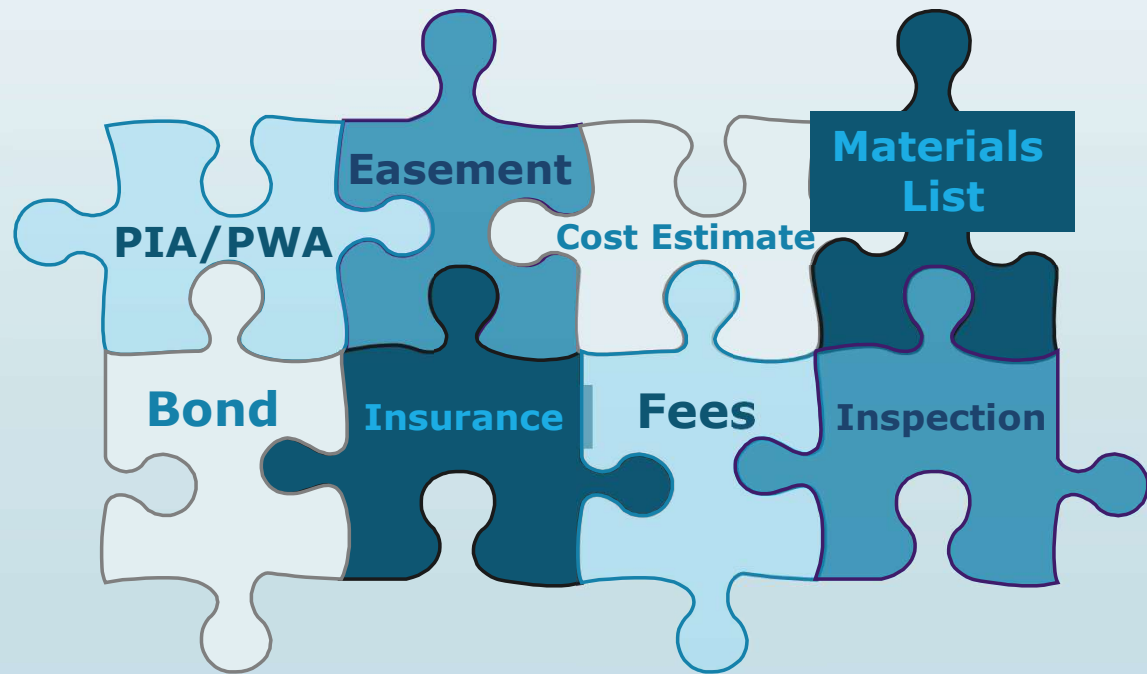
# Approved easement packages

Move to W&S Finance to be matched up with the water/sewer construction contract (PIA/PWA) paperwork

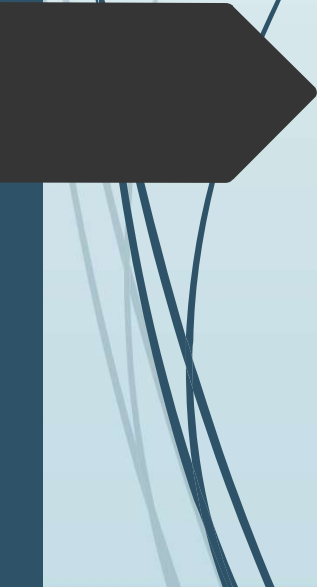


# What happens next?

The easement package is just one piece of the larger water and sewer construction process



Since each step of the process is dependent upon other steps, communication between the developer and their consultants is key.




The attorney or other person submitting the easement package(s) should coordinate closely with the developer and their engineering firm in order to ensure the easement package is submitted after the signed plans have been provided and about the same time as the contract paperwork.



# Advance Approval for Certain Documents

- As indicated in the Submission Requirements posted on our page of the County website, Easement Plats and encroachment documents should be sent for approval prior to signature. This helps to prevent errors on recorded plats and signed documents.
- The surveyor emails them to us (currently Bill and Beth) and we approve them or provide comments. Upon approval, the surveyor can provide them to the attorney. It can be as simple as forwarding our approval email so the attorney can get started.
- Full-size copies of recorded Easement Plats and full-size (to scale) original descriptions and encroachment exhibits should be sent to the attorney as they are needed for attachment to the document or, in the case of Plats, included in the document package submission.
- The attorney then emails draft encroachment documents to us for approval. This includes standalone Encroachment Agreements and the latest combined easement/encroachment document.





Upon review and approval of the contract paperwork and payment of any required fees, both packages will be combined and moved to the Office of the County Attorney for final review and then to the Office of the County Executive for signature.

And please know that documents still move forward when staff is away from the office or on vacation. While we may review documents very quickly (days) in some cases, sometimes it takes longer. We strive to complete all reviews in a timely manner amidst our other tasks. This is why it is important to coordinate submission of all paperwork so one piece of the puzzle isn't holding up the entire process.



## Signed documents are returned to W&S Finance

Paperwork is separated

Finance paperwork is filed

Finance accounts are set up

Easement paperwork is delivered to Land Acquisition Specialist for recording

Construction/Contract paperwork is delivered to the Construction Manager so the pre-construction meeting can be scheduled when requested



# Construction Process

## Coordinated by E&P Construction Management

A pre-construction meeting is held, construction begins, and inspections occur until the work is completed and the infrastructure is accepted into the County's system.

When easement releases are part of the paperwork and infrastructure is being removed or relocated, this is when those documents are recorded.



# Questions?

## **Where can the procedures and forms be found?**

On the Water & Sewer page of the County website at  
[www.frederickcountymd.gov/107/Engineering-Planning](http://www.frederickcountymd.gov/107/Engineering-Planning)

## **Who is a contact person for more information?**

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