



Washington Suburban Sanitary Commission

WSSC EASEMENT PREPARATION AND SUBMITTAL GUIDELINES

PREPARED BY THE
LAND SERVICES SECTION
ENGINEERING AND ENVIRONMENTAL SERVICES DIVISION
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INTRODUCTION

Contrary to popular belief, developing and submitting a Right of Way package to the Washington Suburban Sanitary Commission (WSSC) for review, approval and recordation is a relatively easy process. As the WSSC is committed to providing the Development, Surveying and Engineering community with “World Class” service, these guidelines are presented as a basis for Right of Way package preparation and submittal.

Although there has been much debate on the use of the terms “Right of Way” vs. “Easement”, for the sake of these guidelines, assume the terms to be interchangeable. The final document prepared by WSSC has both terms in our heading.

DEFINITIONS AND ABBREVIATIONS

Schedule A: Legal description of the easement area, preferably a metes and bounds description, but may be described by centerline, baseline, parallel strip (for construction strips only), or by a recorded parcel in its entirety (special cases only).

Schedule B (and C, D, E,...): Sketch of the easement area, with information matching that of the legal description.

Intake Sheet: also known as the Easement Intake Form or Transmittal

Plan: refers to the water and/or sewer design drawing(s), regardless of type

Facility: a WSSC facility includes any water or sewer lines and appurtenances

COMAR: Code of Maryland Regulations

PM: The WSSC Project Manager who will review approve the plan

EESD: Engineering and Environmental Services Division

GENERAL REQUIREMENTS

- 1) An adequate survey required to prepare the plan and define the easement has been performed.
- 2) The plan should be near approval and the location of the proposed easement has been confirmed by the PM.
- 3) A separate package must be prepared for each owner / grantor.
- 4) A separate package must be prepared for each Contract number.
- 5) Get your sketch numbers(s) in advance, using approved WSSC sketch sizes. See Appendix A for sketch sizes and contact information. Only A sized sketches (8 ½ x 11) will get recorded with the document. All sketch numbers are referenced on the last page of our standard conveyance document, although some consultants may also prefer to reference the sketch within the description

PREPARATION

Sometimes the best way to approach a project is to plan with the end in mind. On that note, we have attached our latest version of the “Checklist for Right of Way Package Review” (See Appendix B). By knowing what we are checking for, you can better prepare a complete package that will pass quickly through the system, hopefully on your first submission. Here is a breakdown of the sections in the checklist with a brief explanation:

Submittal Complete?

Pretty self-explanatory. The Transmittal Form / Intake sheet has a checklist at the bottom of what should be included in the package. In addition to the transmittal itself, please have 2 copies of the plan (colored), 2 of the Schedule A / description, and 2 paper copies (1 black & white and 1 colored), and 1 black & white mylar (or a 2nd black & white paper if 8 ½” x 11”) of each sketch. Include the owner’s deed, deeds for any existing easements tied into, and any other deeds referred to in the description. Also include any subdivision plats and state or county road plats if applicable. Rule of thumb is: If you are part of it, tie to it, or refer to it in any way, submit a copy of it.

Transmittal:

Fill it out as completely and correctly as possible. Our Property Acquisition Agent uses this sheet to populate our database, so if it doesn’t match the rest of the easement package, it creates errors in our database. We typically do not reject a package for a poorly filled out form; But keep in mind that this data will help the next person find whether an easement exists in a particular area.

A few hints:

- 1) For “Location of Easement”, use the lots, block, and parcel data if part of a recorded subdivision plat. If not, references to streets and intersections are preferable.
- 2) Make sure you have the right PM labeled. Otherwise, your package could get misdirected or lost.
- 3) If you have more than 5 parts, attach a separate form
- 4) If it is “Urgent”, Check the box and provide justification. Don’t use this habitually.
- 5) For “Easement to be Acquired By:”, do not check WSSC if it is a developer initiated contract. If WSSC will be acquiring easements, please provide contact information if known.

Plan:

Make sure existing and proposed easements are labeled. If existing easements are recorded, include Liber and Folio. If a street is “Private”, label it as such.

Description – Schedule A:

Have a title block that includes:

- 1) Tax ID # in Upper Right Corner. If there are multiple numbers whereby it is impractical to put in upper right corner, include in a list form at the end of the description.
- 2) SCHEDULE “A”. Unless the grantor is a government agency that requires a different title, such as EXHIBIT A, please use this title.
- 3) Title of the easement that defines its purpose. For example, “Description of a WSSC Easement and Right of Way” or “Description of a Partial Release of an Existing Sanitary Sewer Easement”. We prefer to keep new easement grants non-specific as to water or sewer so as to allow for any future uses.
- 4) Grantor name and address
- 5) TO
- 6) Grantee name and address

Start with a “Being” paragraph that refers to how the grantor obtained the property (deed dated, who from, Liber and folio), or in the case of a Release, how WSSC obtained the existing easement. Also include if the property is part of a lot or parcel within an existing plat of subdivision, and reference with recording information if applicable.

Have a “Beginning” paragraph that ties the point of beginning (or point of commencement) to a definable place on the recorded deed and / or plat. Add coordinates to the point of beginning if not tied to a recently recorded subdivision plat.

The body of the description includes the metes and bounds of the easement limits that tie to any existing easements, deeds or plats as applicable. Please number the metes and bounds. Include the area of the easement at the end, preferably with square feet rounded to the nearest whole number and acres rounded out to 4 decimal places (not less than 3). Make sure all deed and plat information referenced matches that document.

If a temporary construction strip is required, add the description immediately following the main easement description by stating “**And Also** the right of the Washington Suburban Sanitary Commission to use an additional strip or parcel of land during the period of original construction only for any and all purposes pertinent thereto, including the right to trim or cut down trees.” Describe as a parallel strip to the prior easement (or any portion thereto), or describe by metes and bounds. Area should be included if described by metes and bounds.

If there are multiple parts, that should be noted in the “Being” paragraph. Each part should have a label/header before its “Beginning” paragraph.

The description is signed, sealed and dated by a licensed Maryland Surveyor (either Property Line Surveyor or Registered Professional Land Surveyor), with license expiration date, and following a certificate or statement that the surveyor prepared or oversaw the

preparation of the description and the survey work reflected therein in compliance with COMAR 09.13.06.12.

Sketch(es) - Schedule B (C, D, ...)

Basics: Have a north arrow with the drawing scale and the datum labeled. The sketch number should be in the lower right corner, if possible, and large enough to find easily. The drawing should be labeled Schedule B (or C or D,...) and all relevant information, such as the owner, deed, plat, coordinates, metes and bounds, area, and ties should match what was in the description.

Beyond the Basics: The sketch does not need a fancy title block with your company info on it, but you can have one if you want. If multiple sketches are required for the same package, give each sketch a unique title, starting with Schedule B, and continuing along the alphabet for subsequent sketches. Match-lines from one sketch to the next are allowed, as long as it doesn't get too out of hand. While it is preferable to use A-sized 8 ½ x 11" sketches because they can be recorded, having more than 10 sheets connected by match-lines is too much. Get a larger sketch size. The sketch does not require a certificate with a surveyor signature and seal, but you can add it if you like. Some prefer a seal only with a signature and date across it.

Coloring - Sketch(es) and Plan sheet(s)

Color the outer property line and the owner information red. If the same grantor owns more than one adjacent lot or parcel, do not color the interior lines, just the outer boundary.

Proposed easement limits and information are colored green.

The Point of Beginning is to be labeled in blue.

Existing easement limits and labels should be brown.

Proposed construction strips and labels are orange.

For all, the text can be colored or underlined using the appropriate color.

SUBMISSION PROCESS AND DOCUMENT WORKFLOW

There are two methods by which to submit the Right of Way package to WSSC for review: either by hard copy submission through your PM, or via electronic review using the ProjectDox system. Regardless of how the package is submitted, the flow generally remains the same:

- 1) Delivery / Check - in
- 2) PM review and approval
- 3) Land Services Section technical review
- 4) Land Services Section legal document preparation.
- 5) Execution
- 6) Recordation

Submittal:

Package is delivered checked in; either to the PM directly or through DSD Intake (for developer initiated projects) for hard copy submittal, or electronically through ProjectDox. The PM will check to ensure the package is complete and that the size and location of the easement matches what was approved on the plan. They then forward to Land Services Section for technical review.

Technical Review:

At a minimum, all items as shown on the attached checklist will be reviewed.

If there are minor corrections to the documents that need to be made, Land Services will contact the consultant who submitted the package to request necessary revisions, which will typically be returned directly to the technical reviewer. If there are major issues, particularly problems that may affect the design plan, the entire package must be resubmitted through the PM.

Legal Document Preparation:

Once the description and sketch have been approved by technical review, Land Services acquisition staff will prepare the appropriate standard legal document (deed) to accompany the description and sketch for execution.

Execution:

Once the legal document has been formally prepared, it generally must be signed by at least three separate entities: the owner(s), WSSC General Counsel's Office, and the WSSC Chief Engineer, in that order. Few exceptions are made to that order.

Recordation:

It is the policy of the Commission to record the Right of Way documents at the County Land Records Office. It is **NOT** the responsibility of the consultant, the applicant or the

applicant's lawyer to undertake this function. Upon recordation of the conveyance documents, and scanning by the appropriate county, the original document is returned to WSSC for storage. Recording information and documents are available through MDLandRec.net. Recording information is also stored in the Land Services database.

Note:

- 1) WSSC's standard document language cannot be changed without General Counsel's Office approval. Such review and approval can add 4-8 weeks onto the length of the execution process. Generally, plan approval is dependent upon owner execution, and Release for service is always dependent upon full execution.
- 2) WSSC will always be the party to prepare the legal document, using some version of their standard document. There are a few exceptions, such as with some branches of the federal government, the Maryland State Highway Administration, and some utilities (PEPCO and BG&E), whereby WSSC has agreed to some form of their document in order to obtain necessary approvals.

SPECIAL CIRCUMSTANCES

Assignments: WSSC will no longer accept assignments of easement rights. Unfortunately, rights granted to the original party do not typically equal the rights required by the WSSC and outlined in our current document language.

Easements granted by plat: As of February, 2006, WSSC no longer accepts the establishment of easements by the "plat" method. Easements shown on proposed subdivision plats must be recorded as separate legal documents with a full metes and bounds description.

Crossing PEPCO Easements: Generally, PEPCO needs to sign authorization to cross their right of way, even if they do not own the property in fee

Federal Government: Depending on which branch of the government has jurisdiction on the property, we may be granted a license or an easement with limited terms

MNCPPC: Generally granted by permit only, with few exceptions (such as a water meter vault required to service park facilities)

National Park Service: Granted by permit only

Prescriptive Rights of Way

If there is a rural roadway that has not been dedicated by plat, deed or statute, then it is the preference of the Commission that the appropriate Water and/or Sewer Right of Way be obtained across the subject property rather than challenging the existence of a Prescriptive Right of Way. This is decided on a case-by-case basis.

Overlapping PUE, PIE, Forest Conservation or any other Easements:

Public Improvement Easements and Public Utility Easements typically run parallel to dedicated public streets. The width of the public street should be of adequate width for the water and/or sewer, as running parallel within the PIE or PUE is not allowed. Crossings should be as close to ninety (90°) degrees as possible.

We do not allow our easements to overlap Forest Conservation Easements for obvious reasons. Encouraging tree growth over our facilities is an issue, not to mention problems with future access.

While prohibition of overlapping easements is impractical, it should be avoided where possible.

Releases & Partial Releases

When requesting the release of a Commission Right of Way, the package requirements are the same as an easement acquisition.

Vacation of Streets

If an easement is required over that portion of street which is to be vacated, the ownership in the 'legal description' and 'sketch' should reflect the adjacent property owner(s). A separate document must be submitted for each adjacent owner who will take title to the vacated street.

Subordination Agreements

These types of agreements are typically only used for Montgomery County projects in which a subdivision plat is being held 'hostage' pending subordination by WSSC for existing easements that will now fall within a public dedicated street. As WSSC is still protected by statute within public streets, we will accommodate the County DPS in order allow development projects to move forward. Generally, WSSC will not subordinate easement rights in any other situation.

Discovery of Non-existent or Inadequate Easements

If it is discovered that there is an existing facility on the applicant's property that is not covered by an adequate easement, WSSC reserves the right to require an easement for that area be added to and made a part of any current developer project. In addition, if it is discovered that there is not an adequate easement for a pipeline that the applicant needs to tie into, WSSC reserves the right to require the applicant to obtain an easement (or additional area) for that portion of the pipeline up to the limits of the one property owner.

APPENDIX A

All Sketches must have a unique number prior to submission and review by the Commission. To request a Sketch #: please call or email

Terry Blomquist (301-206-8671) (Terry.Blomquist@wsscwater.com) or

Barbara Dillman (301-206-8785) (Barbara.Dillman@wsscwater.com)

Sketch Sizes

A - 8 ½" x 11"

B - 11" x 12"

C - 11" x 16"

D - 11" x 20"

E - 11" x 24"

F - 11" x 30"

G - 11" x 34"

J - 16" x 16"

K - 16" x 20"

L - 16" x 24"

M - 16" x 30"

N - 16" x 34"

P - 20" x 20"

S - 20" x 24"

Y - 20" x 30"

Z - 22" x 34"

APPENDIX B - Checklist for Right of Way Package Review

Submittal Complete?

Transmittal (1) ____
Schedule A (2) ____
Schedule B (3*) ____ * B/W paper, Color paper, B/W mylar (or 2nd B/W paper if A size)
Plan Sheets (2*) ____ * 2 per owner, colored
Supporting Deed(s) ____
Supporting Plat(s) ____

Transmittal:

Boxes all filled in ____
Contract # matches plan ____
Liber & Folio match description ____
Plat matches description ____
200' Sheet # matches plan ____
Location of Easement makes sense ____
Sketch #s match sketch(es) ____
Sketch #s belong to consultant submitting package ____
Areas match description ____
PM initialed and dated ____

Plan:

Proposed easement area labeled ____
Proposed water line, sewer line, MH, WMV, FH,... is within adequate easement ____
Streets are public or covered by easement if private ____
Easement area matches sketch ____
Existing water line, sewer line, MH, WMV, FH,... is within adequate ex.easement ____
Existing easement is labeled with L/F ____

Description - Schedule A:

Tax ID # in upper right corner ____
Owner name and address ____
WSSC and address ____
"Being" paragraph, reference to owner deed (L/F, from, date) ____
Owner deed information matches deed ____
"Being" paragraph, reference to lot, block, plat ____
Plat information matches recorded plat ____
"Beginning" paragraph, POB reference to recorded plat and/or deed ____
Coordinates on POB (if p/o acreage vs. recorded plat) & match sketch ____
Metes and Bounds match sketch(es) ____
References in metes and bounds match deed and/or plat ____
References and ties to existing WSSC easements when applicable ____
Area matches sketch(es) ____
COMAR statement with Surveyor signature and seal ____
Signature dated and License expiration date ____

Sketch(es) - Schedule B (C, D, ...)

North Arrow ____
Scale ____
Datum ____
Sketch # ____
Owner and deed information correct ____
Lot, Block, Plat information labeled correctly ____
Point of Beginning labeled ____
Ties to POB shown ____
Coordinates on POB (if applicable) match description ____
Metes and bounds match description ____
Area matches description ____
Existing streets labeled (width and private/public) ____
Existing WSSC easements labeled ____
Ties to existing easements, plat, deed labeled ____

Colored Sketch and Plan:

Property boundary and owner info in Red ____
Proposed easement limits and info in Green ____
Point of Beginning label in Blue ____
Existing easement limits and info in Brown ____
Proposed construction strip and info in Orange ____