

Procedures for Submission of Water and Sewer Easement Document Package

A typical document package contains the following three items:

1. Completed *Water and Sewer Deed of Easement Routing Sheet*
2. Title Opinion Letter (“TOL”) dated within the last 30 days in accordance with the attached *Deed of Easement or Fee Simple Deed Requirements*
3. Deed of Easement executed by all parties except Frederick County. The easement description should be an original (to scale) exhibit containing a metes and bounds description with (or contained within) a graphic depiction of the easement area, sealed and signed with an original signature by a licensed Maryland Surveyor with the required COMAR statement. If the easement encompasses a large area, the easement area can be set forth on a water and sewer easement plat to be recorded in the subdivision plat records. The aforesaid water and sewer easement plat must be approved by the Division of Water and Sewer Utilities prior to recording and a full size copy of the recorded plat must be submitted with the easement document package. All documents should be prepared according to the *Standards for Real Estate Acquisition Documents* as contained in Appendix D of the *Standard Operating Procedures for Property Rights Acquisitions in Frederick County, Maryland* (approved and effective July 7, 2020).

Some projects may require additional document packages such as one or more of the following:

1. Release or Partial Release of Easement with the same description requirements listed above although typically no description is required for a full release of a recorded easement. These document packages should include copies of the referenced easements being released and any associated easement plats recorded in the subdivision plat records. A TOL is not required for these packages.
2. While the *Design Manual for Water and Sewer Facilities* indicates encroachments of structures, private utilities, and similar obstructions are to be avoided, some projects may have approved encroachments and an Encroachment Agreement may be required. The description must show the limits of all easements and the details for all facilities and/or improvements in the easement areas but a surveyor certification, seal and signature are not required. However, the plan information and details are critical to preparation of an acceptable Agreement. A TOL is required. Please ask for guidance and courtesy review prior to obtaining signatures on such an Agreement.
3. If a fee simple Deed is being submitted, the document package should include a full size copy of the recorded plat, Intake Sheet, any required tax status reports, and the original Deed. As indicated in the above-referenced *Standard Operating Procedures for Property Rights Acquisitions in Frederick County, Maryland*, the Deed document must originate in the Office of the County Attorney. A TOL is required unless an Owner’s Policy of Title Insurance is provided in place of the TOL.

All packages should have a Routing Sheet as the cover letter. Submit package to Tracy Bowie, Frederick County Division of Water and Sewer Utilities, 4520 Metropolitan Court, Frederick, MD 21704. The package will then be reviewed by all applicable departments and, when approved, submitted for execution by the County and recorded by County staff.

**DEED OF EASEMENT OR
FEE SIMPLE DEED REQUIREMENTS**

In order to ensure that Deeds of Easement and Fee Simple Deeds are properly prepared and legally effective, all applicants must submit a Title Opinion for the property described in the Deed. The Title Opinion must be less than 30 days old, based upon a full title search, issued by an attorney licensed to practice law in Maryland, and must state:

- in whom title is vested, including a Liber/folio reference to the deed and identity of prior grantors;
- all existing liens on the property, including the identity of each lienholder (and Trustees if available) and the Liber/folio reference to the recorded security interest document; and
- the identity of any contract purchasers, or confirmation of the lack thereof, and the source of that information.

All required Deeds must be prepared and recorded prior to or contemporaneously with final plat recordation.

Proper acknowledgment blocks must be completed for all who sign the document, explicitly stating in what capacity each individual is executing it. In addition, State law requires the inclusion of the certification as to who prepared the document.

All deeds must be executed by every person or entity having an interest in the property, including but not limited to: all co-owners, all lenders holding deeds of trust or mortgage, and all contract purchasers.

All exhibits to deeds must be properly marked.

Once the documents are executed, they will have extensive legal ramifications. You are strongly urged to consult an attorney before preparing or executing such documents.

One of the two forms of Certification set forth below must be included on all deeds and executed prior to acceptance of the deeds by the County.

CERTIFICATION

This instrument has been prepared under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

(Type Name)

OR

This instrument has been prepared by the undersigned, one of the parties named in the instrument.

(Type Name)