

## **DRAINAGE EASEMENT EXPLANATION**

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A drainage easement is a part of your property where the District has limited rights of access and/or use. Generally, you cannot make any improvements in a drainage easement. That means no fences, sheds, walls, trails or buildings. You should avoid planting trees or much landscaping as well.

A drainage easement has two possible purposes. It may be needed for the flow of storm water. For example, drainage ditches and creeks are typically within a drainage easement. In this case, anything that prevents the flow of water; that might catch debris; that might be washed away; or that might cause a dam-like effect is problematic.

Alternatively, the easement may be needed to access drainage infrastructure. In this case, anything that might make it difficult to drive a truck through or dig up an underground pipe is problematic.

### **Public Drainage Easements**

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Municipal governments use drainage easements to install pipes to divert storm water. This prevents large accumulations of water during thunderstorms. Both of these easements affect the homeowner by creating limitations on the use of the property subject to the easement.

### **Restrictions**

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A homeowner is not allowed to place any object in a drainage easement that is created for the free flow of water. This prevents the homeowner from placing a bench, shed or any type structure that blocks water flow. This affects how a homeowner plans his yard. The area designated as a drainage easement is off limits for any use other than growing grass and planting flowers. Drainage easements used for the sole purpose of underground pipes allow for fences, as long as the installation does not damage the pipes.

### **Maintenance**

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The easement's owner has the right to take reasonable steps to maintain the easement. This means the municipal government can dig up the storm pipes under the easement to repair or replace them. The government will normally repair any damage but the grass and flowers will take time to recover. This also means that anything in the way of digging up the easement will be removed including fencing. The new homeowner has to weigh the benefits of a fence against the risk of a clogged pipe on his land.

### **Obligation**

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The homeowner has the obligation to maintain the drainage easement. The grass must be cut and the area kept free of debris. Fallen tree limbs and accumulation of leaves obstruct the free flow of water. Grass clippings should be removed. In general, the drainage easement must be kept neat and clean.