

# WSSC Fact Sheet

## Private Easement Agreement OR Declaration of Covenant

### *What is a private easement agreement?*

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A **private easement agreement** is a legal document granting an area of property for a specific use to a specified individual(s). The agreement is between two separate people/entities.

**Note:** The private easement agreement is not with the WSSC it is between private property owners.

### *What is a Declaration of Covenant?*

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A **declaration of covenant** is a legal document designating an area of property for a specific use (water and/or sewer connections) and to provide notice of these connections.

### *Do I need one?*

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You will need a **private easement agreement** for situations where the private water and/or sewer service pipes needed to serve your house or building (on property you own) must be installed (by a master plumber) across a separate adjacent property (owned by a separate entity) in order to connect to a WSSC water and/or sewer service connection.

You will need a **declaration of covenant** for situations in which you own two separate properties and private water and/or sewer service pipes are needed to serve your house or building (on one property you own) must be installed (by a master plumber) across a separate adjacent property (also owned by you) in order to connect to a WSSC water and/or sewer service connection.

The WSSC requires a recorded executed **private easement agreement** or **declaration of covenant** (if applicable) with an application for water and/or sewer service connections.

The Office of the General Counsel of WSSC has developed a **private easement agreement** form and a **declaration of covenant** form which contain the legal language to grant and protect a private easement or declaration of covenant for water and/or sewer service connection(s) that WSSC requires.

**DISCLAIMER:** The form is provided as a guide only. The WSSC does not intend that the form correspond to all situations. WSSC does not warrant that the form is free from errors or omissions, nor does WSSC warrant that the form meets any particular standard. The provision of the form does not and should not be considered to constitute legal advice from WSSC to the applicant, and no attorney-client relationship is created thereby. WSSC advises all applicants to consult with an attorney for their protection before executing this document.

It is possible that multiple private easements or declaration of covenants may be required depending on the situation.

The private easement agreement document can be found at:  
<http://www.wsscwater.com/home/jsp/content/real-property.faces>

The declaration of covenant document can be found at:  
<http://www.wsscwater.com/home/jsp/content/real-property.faces>

***What information do I need to complete a private easement agreement OR a declaration of covenant?***

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Because a **private easement agreement** or a **declaration of covenant** is a legal document you will need to include a number of important legal terms which will make the document valid. **WSSC will not accept a document that 1) is missing required information; 2) has had the wording changed; and/or 3) is not notarized and recorded.**

You will need to provide an address as well as an accurate legal description of the property, including:

- Lot
- Block
- Subdivision
- Parcel
- Liber/Folio
- Property Tax ID

You will need to specify what kind of service connection the easement(s) or declaration of covenant(s) will be for:

- Water
- Water & Sewer
- Sewer

**Please Note:** For private easement agreements, you will need to provide a money amount greater than zero. The money amount field on the private easement agreement form can not be blank or zero.

***Are there any other documents that need to be submitted with the private easement OR declaration of covenant?***

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You will need to hire a registered surveyor to prepare a schedule A and B (sometimes referred to as exhibits). **No easement or declaration of covenant document will be accepted unless a schedule A and B is included.** Examples of both schedules have been included in this fact sheet for reference.

**How much right-of-way will need to be granted in the private easement OR declaration of covenant?**

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The width of the right-of-way that needs to be granted in a **private easement** or **declaration of covenant** depends on the number and size of the connections that will cross the adjoining property. Below is a table listing the recommended right-of-way widths for normal water and/or sewer service connections.

<b>Normal Individual Easements or Declaration of Covenants for Service Connections</b>		
<i>Item</i>	<i>Recommended</i>	<i>Horizontal Separation</i>
Water Connection Only	15'	N/A
Normal Depth Sewer Connection only (no more than 12' deep)	20'	N/A
Pressure Sewer Connection Only	15'	
Water and Pressure Sewer Connection	25'	10' minimum
Water and Gravity Sewer Connection	20'	18" or 1.5'
<i>For deep sewer connections (greater than 12') add an additional five feet of easement.</i>		
<i>Vertical separation: Water 18 inches (1.5') above gravity sewer for horizontal separations less than 10'</i>		
<i>Minimum distance between a water, gravity sewer or pressure sewer connection and edge of easement is 7'.</i>		
<i>Minimum distance between pressure sewer connection and any water line is 10'.</i>		

**How do I record and submit the private easement agreement OR declaration of covenant to WSSC?**

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Once the **private easement agreement** or **declaration of covenant** including schedules A and B are completed and notarized, you will need to take them to the county land records office where the property is located to be recorded. The county will stamp a Liber and Folio number on each sheet of the **private easement agreement** or **declaration of covenant** plus the schedules as proof that the document was recorded. Once you are finished with the county you will need to submit to WSSC Permit Services a copy of the recorded **private easement agreement** or **declaration of covenant** along with the recorded schedule A and B.

**Note:** We strongly recommend that you bring the **private easement agreement** or **declaration of covenant** into WSSC Permit Services to be reviewed before having it recorded.

Your county's land records office can be located at:

<p><b>Montgomery County</b> Recording Department Clerk of the Circuit Court 50 Maryland Avenue Rockville, MD 20850</p>	<p><b>Prince Georges County</b> Land Recording Department 14741 Governor Oden Bowie Drive Room L65 Upper Marlboro, MD 20772</p>
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EXHIBIT "A"

**DESCRIPTION OF  
WATER SERVICE CONNECTION EASEMENT  
ACROSS PARCEL 'H' TO SERVE PARCEL 'G'  
THE CAPITAL PLAZA, INC**

**BEING** a strip or parcel of land hereinafter described as running in, through, over and across a portion of Parcel "H" as shown on a plat of subdivision entitled "PARCELS 'G' AND 'H', THE CAPITAL PLAZA, INC. (A RESUBDIVISION OF PARCELS 'D' AND 'F')" and recorded in Plat Book PM 228 as Plat No. 87, both among the Land Records of Prince George's County, Maryland and being more particularly described in the meridian as established by the Maryland State Grid as defined by the North American Datum of 1983 and adjusted in 1991 (NAD 83/91) as follows:

**BEGINNING** for the same at the northeasterly end of the common or North 89°34'14" East, 67.94 feet line of Parcel "G" and "H" as shown on said plat; thence running reversely with and along a part of said common line, the following course and distance

1. South 89°34'14" West, 7.21 feet to a point; thence leaving said common line and running in, through, over and across said Parcel 'H' the following ten (10) courses and distances
2. 36.53 feet along the arc of a non-tangential curve deflecting to the right, having a radius of 120.00 feet and a chord bearing and distance of North 18°23'37" West, 36.39 feet to the point of tangency; thence
3. North 09°40'22" West, 17.02 feet to a point; thence
4. 32.69 feet along the arc of a tangential curve deflecting to the left, having a radius of 90.00 feet and a chord bearing and distance of North 20°04'39" West, 32.51 feet to the point of tangency; thence
5. North 30°28'56" West, 100.96 feet to a point; thence
6. North 59°31'04" East, 20.00 feet to a point; thence
7. South 30°28'56" East, 100.96 feet to a point; thence
8. 39.95 feet along the arc of a tangential curve deflecting to the right, having a radius of 110.00 feet and a chord bearing and distance of South 20°04'39" East, 39.73 feet to the point of tangency; thence
9. South 09°40'22" East, 17.02 feet to a point; thence
10. 37.27 feet along the arc of a tangential curve deflecting to the left, having a radius of 100.00 feet and a chord bearing and distance of South 20°20'54" East, 37.05 feet to a point of tangency; thence

Schedule "A" example - Continued

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11. South  $31^{\circ}01'27''$  East, 1.00 feet to a point on the common or 22.68 feet arc line of said Parcels 'G' & 'H'; thence running with and along a part of said common line, the following course and distance
12. 14.65 feet along the arc of a non-tangential curve deflecting to the right, having a radius of 50.00 feet and a chord bearing and distance of South  $81^{\circ}10'31''$  West, 14.60 feet to the point of beginning containing a computed area of 3,846 square feet or 0.0883 of an acre of land.

The licensee below was in responsible charge over the preparation of this metes and bounds description and the surveying work reflected in it, all in compliance with requirements set forth in COMAR Title 09, Subtitle 13, Chapter 06, Regulation .12

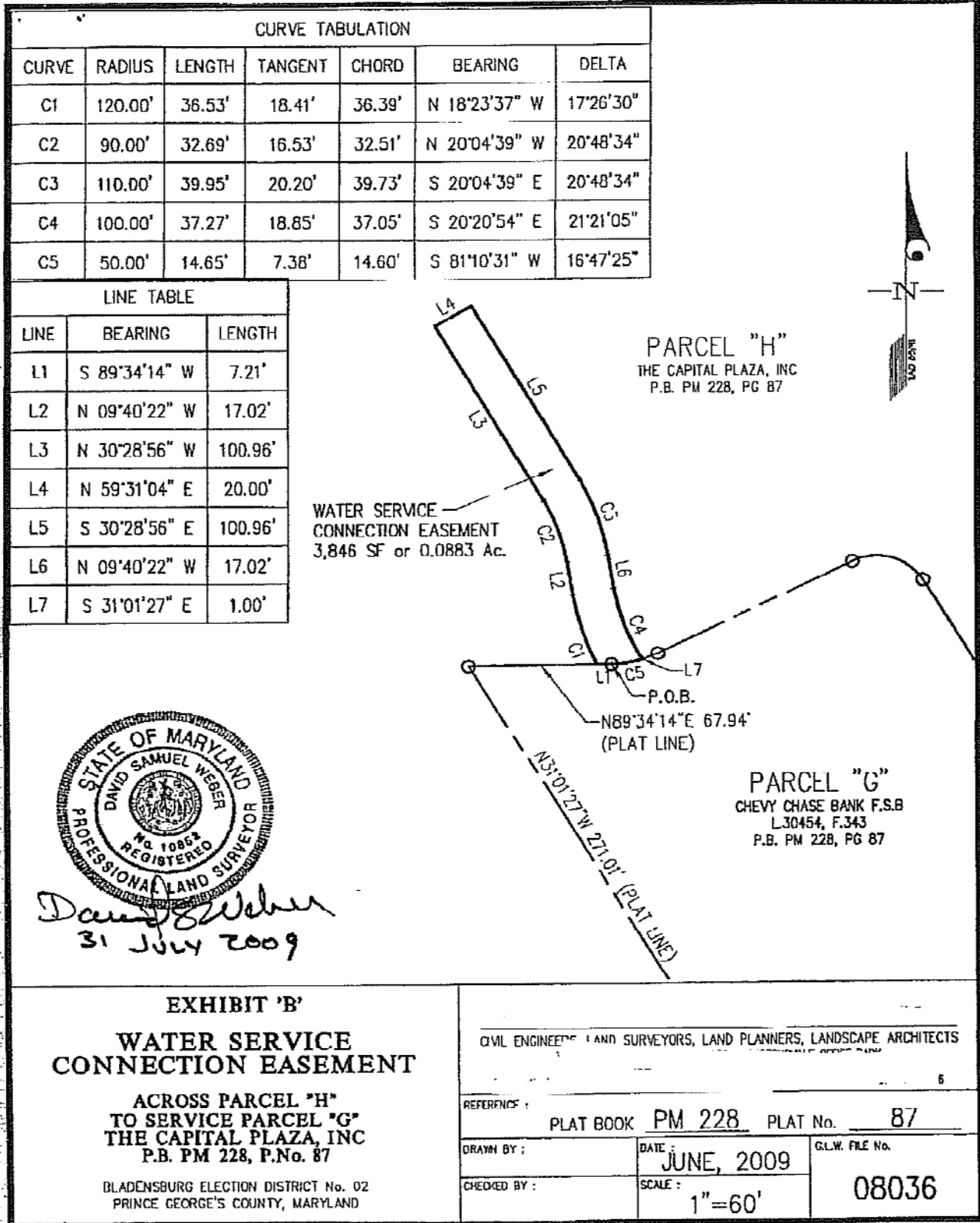
H:\Users\cam\WP\CAPPLAZA\Chevy Chase\easement and right of way.exhibit1.doc



*David Samuel Weber*  
31 JULY 2009

Schedule "B" example

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*David Samuel Weber*  
31 July 2009

**EXHIBIT 'B'**

**WATER SERVICE CONNECTION EASEMENT**

**ACROSS PARCEL "H"**  
**TO SERVICE PARCEL "G"**  
**THE CAPITAL PLAZA, INC**  
**P.B. PM 228, P.No. 87**

BLADENSBURG ELECTION DISTRICT No. 02  
 PRINCE GEORGE'S COUNTY, MARYLAND

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

REFERENCE: PLAT BOOK **PM 228** PLAT No. **87**

DRAWN BY: DATE: **JUNE, 2009** G.L.W. FILE No.

CHECKED BY: SCALE: **1"=60'** **08036**