

# Memo

To: Mayor and City Council

From: Jim Chandler, Assistant City Administrator and Director, Community & Economic Development  
Kate Powers, City Planner

Date: September 2, 2021

Re: WSSC Utility Easement Request – Suffragist Pointe Development Plan

Attachments: WSSC Utility Easement Documents  
WSSC Utility Map

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The purpose of this memorandum is to provide the City Council with a summary of a request by the Washington Suburban Sanitary Commission, via Werrlein Properties LLC, to grant a public utility easement

## **Summary**

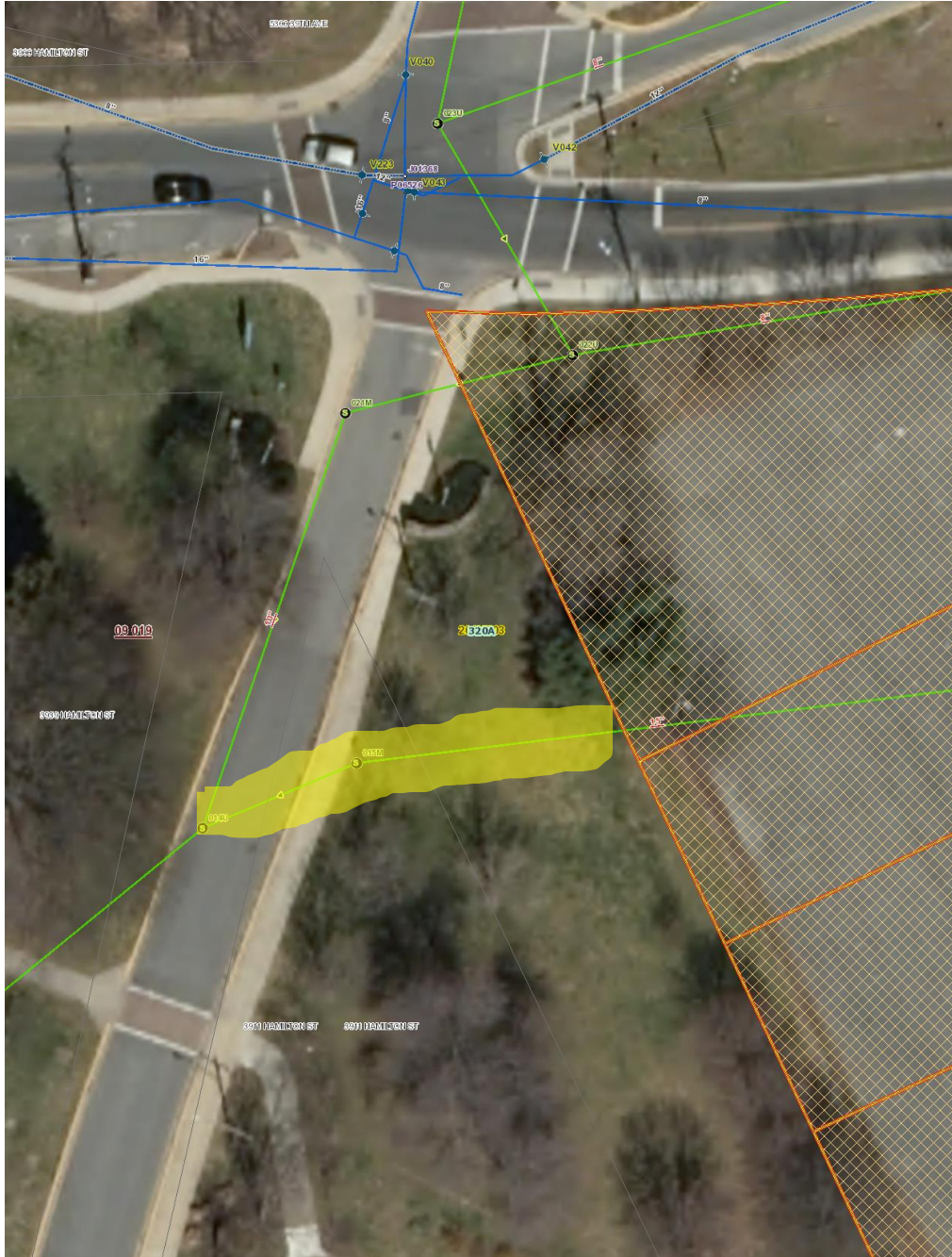
- The City has received a request for the granting of a utility easement from the Washington Suburban Sanitary Commission (WSSC) via Werrlein Properties.
- The 30' public utility easement (PUE) is necessary for WSSC to perform maintenance of an existing storm drain, which is 12'-15' below grade.
- There is no recordation of an existing public utility easement. WSSC has determined that the condition of the existing pipe requires replacement. If granted an easement, Werrlein Properties will be responsible for performing the storm drain replacement as part of site development infrastructure activities related to Suffragist Pointe development.

## **Project Location Details**

The City has received a request for the granting of a utility easement from the Washington Suburban Sanitary Commission (WSSC) via Werrlein Properties.

Utility easements grant the rights to a utility company to access and control the portion of another person's land that is located near utility facilities and structures (i.e. utility poles, transformers, overhead or underground electrical lines). Utility easements are one of the most common types of easements for private property, which generally allow public utility companies access to the property for the purpose of installing, repairing and maintaining public utility lines.

The subject existing storm drain bisects land located within the northeast quadrant of Driskell Park. The public use easement (PUE) being requested by WSSC is for the purpose of performing replacement of an existing storm drain and maintenance of the new storm drain. The drain and corresponding network is highlighted in yellow in the exhibit below:



There is no recordation of an existing public utility easement within public land records and it is unclear as to why no such PUE exists for this section of storm drain. WSSC has determined that the existing 13" storm drain pipe requires replacement with a 8" storm drain pipe.

City staff has met with representatives from WSSC in order to (1) understand the need for the replacement of the pipe and (2) determine whether the pipe can be relocated as to not require a PUE. Based on the City's discussion with WSSC, it has been determined that the storm drain pipe both requires replacement and relocation this storm drain to either 40<sup>th</sup> Place, Gallatin Street or Hamilton Street is not feasible.

Based upon the City's discussions with representatives from WSSC, it is our understanding that in the absence of an easement, WSSC has the legal right to enter upon the City's property and replace the pipe in cases of emergency, but not necessarily proactive maintenance.

**Recommendation**

This public use easement request has been reviewed by both the Director of Public Works and Director for Community & Economic Development, both of whom concur that it is in the public interest to grant the easement, however the language in the proposed easement documents require some revision, prior to the City's consent.