

What You Need To Know

Easements may be legally complicated and require careful review. Before purchasing property or building on existing property, check to see if there are any easements on the parcel.

Easements are recorded on your survey or plat that is on file at the City Court. If you need specific answers on how an easement may affect your property and your rights as a property owner, you should contact the owner of the easements.

Maintenance

Even though the Public Works Department will occasionally clean and inspect storm ditches, the property owner is responsible for maintaining the easement. That may include controlling weeds to removing obstacles in the drainage. When more than routine maintenance is required (erosion of an embankment, large obstructions blocking water flow or extraordinary flooding) contact the number below with your request.

For questions or to place a work order:
Contact the Customer Call Center
at (757) 382-CITY (2489)

Call before you dig!



State law requires that you call Miss Utility 48 hours before you begin any ground-disturbing activity.

Making this call will help you avoid damaging underground utility lines, disrupting utility service, and possibly injuring yourself. A representative from each utility company with service that might be affected by your work will mark the approximate location of their underground lines.

This is a **free service**. The operator will need the following information:

- Location
- Nature of work
- Date work is to begin
- Company/Person doing work
- Person calling and contact information
- Purpose of work/for whom the work is being done
- Special Instruction (if required)

Within 48 hours, any utility service lines in the area of your project will be marked by a spray-painted line on the ground, showing their approximate location.

Easements



Chesapeake
VIRGINIA

Department of Public Works
Engineering Division
(757) 382-6101
www.CityOfChesapeake.net

What is an Easement?

What is an easement?

An easement is an interest in real property that conveys use, but not ownership, of a portion of an owner's property. Easements may be permitted for a specific portion of the property for many varied purposes. Governments, municipalities, and public utilities use easement to establish access, restrictions, and rights to property. In short, an easement allows someone the right to use your property.

What types of easements are there?

There are many types of easements. Depending on the type of property, the needs of public or private access, intended land use, etc., an easement may be used when the landowners' rights require clarification and legal contracts are necessary between public and private parties.

Easements may be conveyed for a limited period of time. Some of the more common easements include public access for passage to landlocked parcels, water drainage, and for public utilities access. Other easements may permit restrictions of property along roadways or to comply with laws and ordinances.

Common Easements

Public utilities will often maintain an easement to provide public services to the community. They may include, but are not limited to: water lines, sewer lines, etc. Easements can be provided for access above, below, or on the surface of the property. Common easements include:

Prescriptive Easements

Many of the ditches within the City do not have specific drainage easements. Where ditches contain public water (i.e. runoff from public roads) and the City has maintained the ditch for at least 20 years, the City has the right to enter the drainage ditch to do maintenance, remove obstructions and enhance flow. The City may also obtain a Right of Entry and Maintenance Agreement, which would give the City the right to enter the property to inspect, maintain, repair and/or replace drainage facilities within the limits of the agreed area.

Retention Easements

Some areas of the City are designed with "dry" retention ponds to hold water for a period of time after a rain. The property within this area is generally designated as a retention easement in order to protect the function of the retention pond. Construction or obstructions within these areas may result in flooding on adjacent property.

Drainage easements

These are the most common for the residents of Chesapeake. Since most of Chesapeake is flat and water drainage is relatively slow, when it rains, the stormwater must run through drainage easements to reach a normal outlet. Easements are sized to allow access by heavy equipment when necessary. Any buildings or landscaping in these easements may result in an expense to the property owner should the City need to remove obstructions in order to utilize that legal access.



Typical drainage easement

Retention Ponds

Retention ponds are widely used throughout the City. The legal responsibility for maintenance varies considerably and often belongs to the property owner. Many retention ponds contain only a limited drainage easement and any maintenance of the waterfront property is the responsibility of the land owner.