

DEVELOPER EASEMENTS

From time to time a developer may need to install a sewer line across private property in order to provide sewer service to an area being developed. The developer is responsible for obtaining the required easements. Once construction is complete, the permanent easement transfers to the County, and the County takes ownership and maintenance responsibility for the sewer line.

If the developer is unable to reach an agreement with a particular property owner, they may request assistance from the County after meeting several requirements under the **County's Developer Acquisition Assistance Program**.

Once these requirements are fulfilled, the County will retain a Mediation Agent to discuss the situation with both the developer and the property owner in an attempt to work out a mutually acceptable compromise. If the mediation hearing is unsuccessful, the Cobb County Board of Commissioners determines whether or not the County should proceed with trying to obtain the easement for the developer through condemnation.

If the Board votes to proceed with condemnation, appropriate documents are filed in Cobb Superior Court. A Special Master is appointed by the Court to determine if the easement is required for a public purpose, and if so, the amount that is required to be paid for the easement. If the Special Master grants the easement, the value of the easement may be appealed by the property owner; however, the taking itself cannot generally be appealed.

FREQUENTLY ASKED QUESTIONS

1. What is an easement?

An easement is the right provided to a person or entity to use someone else's property. The property owner usually transfers this right while retaining ownership through execution of an easement document.

2. What is a permanent easement?

A permanent easement is a right granted by an underlying property owner that entitles its holder to a specific use of the property. The underlying property owner's rights to use a permanent easement are somewhat restricted. See the Water Easements, Sewer Easements, and Drainage Easements sections of this brochure for the restrictions for each type of easement, as they vary.

3. What is a temporary easement?

A temporary easement is a right granted for a specific period of time and once it expires, the rights granted return to the property owner.

4. Does an easement devalue my property?

Typically, easements have minimal impact on property value.

5. Will my property be restored to its prior condition?

Your property will be restored to its prior grade and will be seeded with the original type of grass unless otherwise stipulated on the Grant of Easement.

This is an official publication of the Cobb County Water System,
an agency of the Cobb County Board of Commissioners.
June 2025

 10% Recycled Content

EASEMENTS

WHAT YOU NEED TO KNOW



Water & Sewer Easements

770.419.6316

770.419.6486

Drainage Easement

770.419.6435



www.cobbcounty.gov/water

SEWER EASEMENTS

Sanitary Sewer Easements are needed for the installation of sewer pipelines and their ongoing maintenance. Sewer construction usually involves both permanent and temporary construction easements.

Permanent Sewer Easements are normally 20 feet wide with the sewer pipe located in the middle of the easement. They provide the County (or its agent) access to construct, inspect, maintain, and repair sewer lines and accessories.

Trees are not permissible in a permanent sewer easement area. Landscaping (shrubs, bushes, annuals and perennials) in a permanent easement are at risk. Non-structural improvements such as walkways, driveways, and basic fencing are generally allowed on permanent sewer easements; however, the County is not required to replace anything within a permanent easement that must be removed for maintenance or repair of the sewer line or accessories.

Temporary Sewer Easements are typically an additional 20 feet outside of the permanent easement with 10 feet on each side of the 20 feet wide permanent easement. The combined width of a temporary and permanent easement is typically 40 feet. Temporary easements are frequently required in constructing new sewer lines and granted for a specific period of time. Upon expiration, all rights associated with the temporary easement return to the property owner.

WATER EASEMENTS



Restored sewer easement area

Water Easements are less common than sewer easements, because pipelines carrying potable water are generally constructed within the right-of-way of roads. Work in the right-of-way does not require an easement from the adjacent property owner, the contractor does not have the right to enter private property. Occasionally, installation of a water line within a right-of-way requires temporary easement on private property for construction equipment access, or other purposes. When water lines must be installed outside of the right-of-way, a permanent easement is obtained for construction and ongoing maintenance. Sometimes a temporary easement is also needed for construction.

Water lines are generally only four to five feet deep and do not have to follow existing contours, so they can be designed to minimize property impacts. Permanent and temporary water line easements are otherwise similar to sewer easements.

DRAINAGE EASEMENTS

Drainage Easements preserve a legal path for stormwater conveyance. A downstream property owner is obligated to accept stormwater flowing onto their property by gravity. Typically, recorded drainage easements are a minimum of 20 feet wide. In certain instances, drainage easements can be substantially wider than 20 feet. In older subdivision developments built prior to current development standards, 10-foot easements were allowed and still exist. They are also recorded around stormwater detention ponds.

No dumping of yard debris, filling with soil or concrete, or fencing is permitted within a drainage easement. The property owner (public or private) is responsible for maintaining any open channel drainage easement included on that property. Property owners who fail to maintain drainage easements in an open unobstructed condition may be subject to fines and may face civil liability in the event of flood damage to surrounding properties.

Cobb County only maintains drainage pipes on residential property when located in a drainage easement and shown on the recorded final plat of the subdivision, or when located in a dedicated drainage easement and formally accepted by the County for maintenance. Any drainage pipe located within a drainage easement but not shown on the subdivision final plat or accepted by the County for maintenance is the property owner's responsibility. Although the property owner owns the land within the drainage easement, any structures or plantings (trees or bushes) within an easement are at risk. Cobb County is under no obligation to replace anything within a drainage easement that must be removed to repair or replace a pipe. Cobb County does not maintain pipes on nonresidential (commercial or industrial) property, including property owned by a homeowners' association.



COBB COUNTY WATER SYSTEM

Stormwater Easements

Your drainage easement is a stormwater best management practice (BMP) and is designed to reduce the environmental impacts of increased storm flow and pollutants due to urban development. They are an essential part of Cobb's efforts to restore and preserve our water resources. However, an easement may no longer be able to perform its intended functions if it is not maintained properly. We have developed this guide to answer frequently asked questions and provide basic tips for drainage easement maintenance.

What is a "Drainage Easement" and why are they important?

The purpose of a drainage easement is to provide and preserve a legal path for stormwater conveyance. Most easements are at least 20 feet wide. The term easement can apply to an open ditch, a 100-year floodplain, a flood pool in a detention pond, or a closed pipe system. Easements serve to slow and direct the increased amount of stormwater runoff from impervious surfaces (rooftops, driveways, roads, etc.) away from houses and thereby preventing flooding.



Who is responsible for the maintenance of drainage easement facilities?

Cobb County places the responsibility for maintaining open drainage easements with the individual property owner [ref. Cobb County Code 110-61(f)]. Property owners who fail to maintain drainage easements in an open unobstructed condition may be subject to fines and may face civil liability in the event of flood damage to surrounding properties. For an individual property owner, easement maintenance responsibilities consist mainly of keeping it free of trash, debris, and sediment; clear of overgrown or clogging vegetation; and free of obstructions or structures.

What is the difference between private versus public problems?

Per Cobb County Code, public responsibility for stormwater maintenance is limited to the structural infrastructure (pipes and pond) formally dedicated to and accepted by Cobb County for perpetual maintenance. The responsibility for maintaining all private property beyond formally dedicated and accepted structural infrastructure rests with the individual property owner.

Cobb County code 110 - 61

"(e)... and property owner will be required to keep such easements free of obstructions and will maintain the easements in such a way as to assure free and maximum flow at all times.(g)All easements shall be cleared of debris, excess dirt and other materials..."



STORMWATER POLLUTION PREVENTION TIPS

- Keep your easement free and clear of any obstruction.
- Mow and weed-wack vegetation to control growth.
- Collect leaves and lawn clippings for mulch, compost, or bag for vegetative waste disposal.
- Consider natural alternatives to pest control chemicals.
- Wash your car on grass or gravel with minimal detergent or take it to a car wash where water is recycled.

- Wash out paint brushes and rollers into your sanitary sewage system.
- Keep paint, turpentine, and solvents clear of easements, gutters, and storm drains.
- Reuse turpentine and dispose of properly.
- Allow unused paint to dry out and place in trash can for pickup.

- Pick up after your pet promptly.
- Dispose of pet waste in a garbage can.
- Keep bags readily available near your leash, door, or car for prompt pick up.
- Utilize pet waste stations in your neighborhood or local park for convenient disposal.
- Spread awareness about stormwater pollution and pet care by discussing it with family and friends.