



Easements – What You Should Know

Stormwater Division

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Drainage Easements

Drainage easements preserve a legal path for stormwater conveyance. A downstream property owner is obligated to accept stormwater flowing onto his property by gravity. Ideally, recorded drainage easements should be at least 20 feet wide. In certain circumstances, drainage easements can be substantially wider than 20 feet. They are also recorded around stormwater detention ponds.

Although, the property owner owns the land within drainage easements, any structures or plantings (trees or shrubs) within a drainage easement are at risk. The City of Duluth is under no obligation to replace anything within a drainage easement that must be removed for maintenance purposes. While not required, access permission is normally obtained from the affected property owner before maintenance work begins.

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

Frequently Asked Questions

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.

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 drainage easement section above for the restrictions.

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.

Does an easement devalue my property?

Typically, easements have minimal impact on property value.

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.

