

Transfer of MDOT SHA Drainage Easements and Structures within Town Limits

Presentation to Town of New Market Town Council
The Wilson T. Ballard Company
September 10, 2026

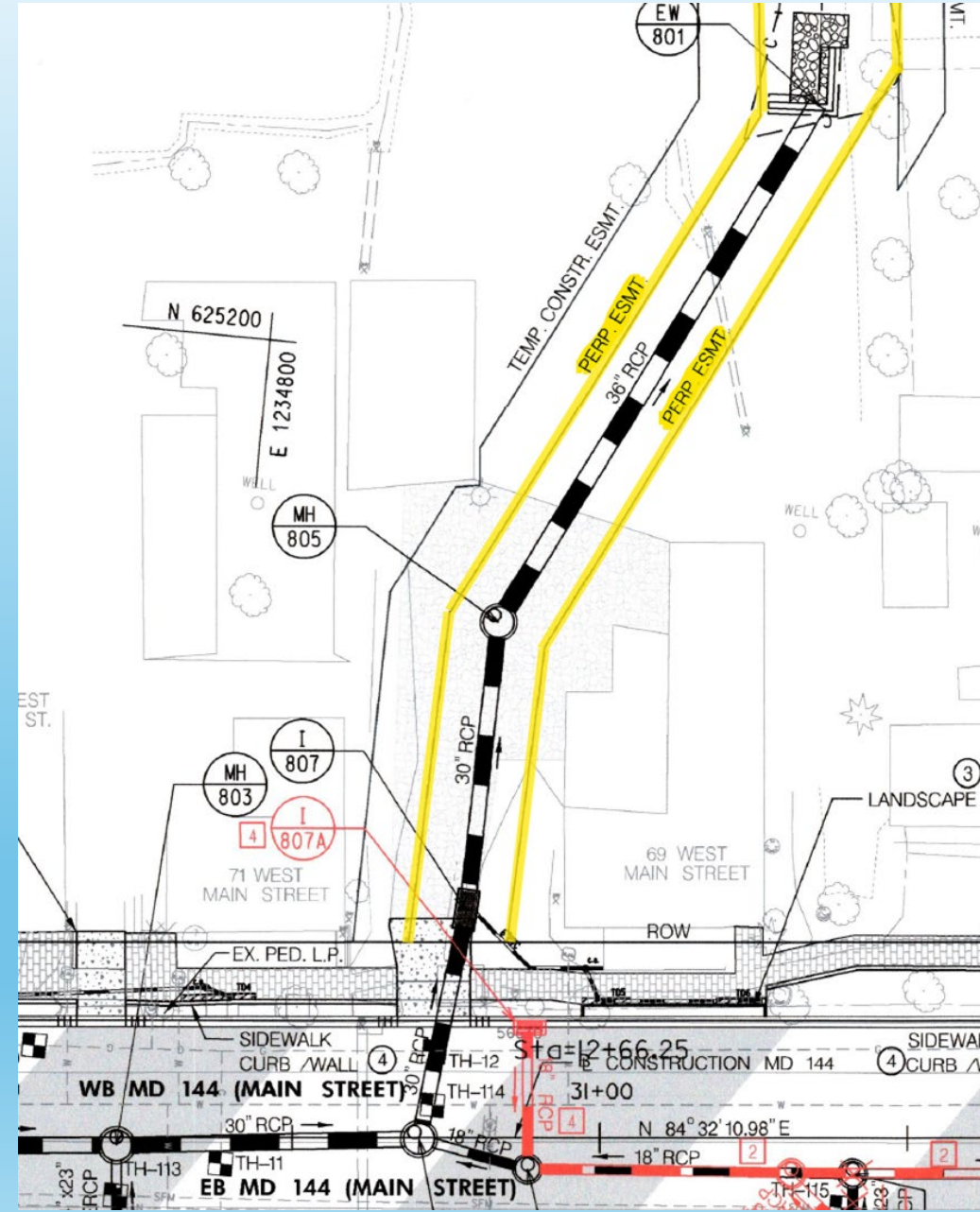
Agenda

- Background of Easement Establishment
- MDOT SHA Coordination
- Location of Easements and Drainage Structures
- Potential Costs
- Summary of Staff Recommendations
- Next Steps
- Council Decision Needed



Background

- In 2011, as a predecessor to the Streetscape Project, a Road Transfer Agreement (RTA) was signed by the Town and the SHA outlining roadway ownership transfer at the completion of the Streetscape Project.
- The MDOT SHA Streetscape Project (2014 – 2016) installed numerous drainage structures along Main Street. Several structures were installed on Private Property, outside the Main Street Right-of-Way, within Perpetual Easements created by the SHA.
- An executed Road Conveyance Deed (RCD) was recorded in 2018 finalizing the roadway transfer.



MDOT SHA Coordination

- During a recent review of the Road Conveyance Deed by Town and SHA staff, it was noted transfer of Perpetual Easements outside the Roadway Right-of-Way was not specifically addressed.
- The SHA attorneys reviewed the RTA and RCD and noted:
 - The intent of the RCD is more clearly limited to conveyance of the roadway alone
 - The RCD doesn't explicitly address Easement rights conveyance
 - The SHA acquired the Easement rights after executing the RTA
- The SHA has offered to execute a Confirmatory Road Conveyance Deed to make explicit an intent to convey Easement rights to the Town.

ROAD TRANSFER AGREEMENT

7

THIS ROAD TRANSFER AGREEMENT made this 14th day of December, 2011, by and between the State Highway Administration of the Maryland Department of Transportation acting for and on behalf of the State of Maryland, hereinafter referred to as "SHA", party of the first part, and The Town of New Market, a body corporate and politic in Frederick County, Maryland, hereinafter referred to as the "Town", party of the second part.

BOOK: 12508 PAGE: 308

NO TAX PAYMENT REQUIRED
Treasurer of
Frederick County, Maryland
PER: [Signature]
DATE: 7/5/18

SHA 63.00-26D 4/20/93
Mailing Address:
Records & Research Section
Mail Stop - M-202
707 North Calvert Street
Baltimore, MD 21202

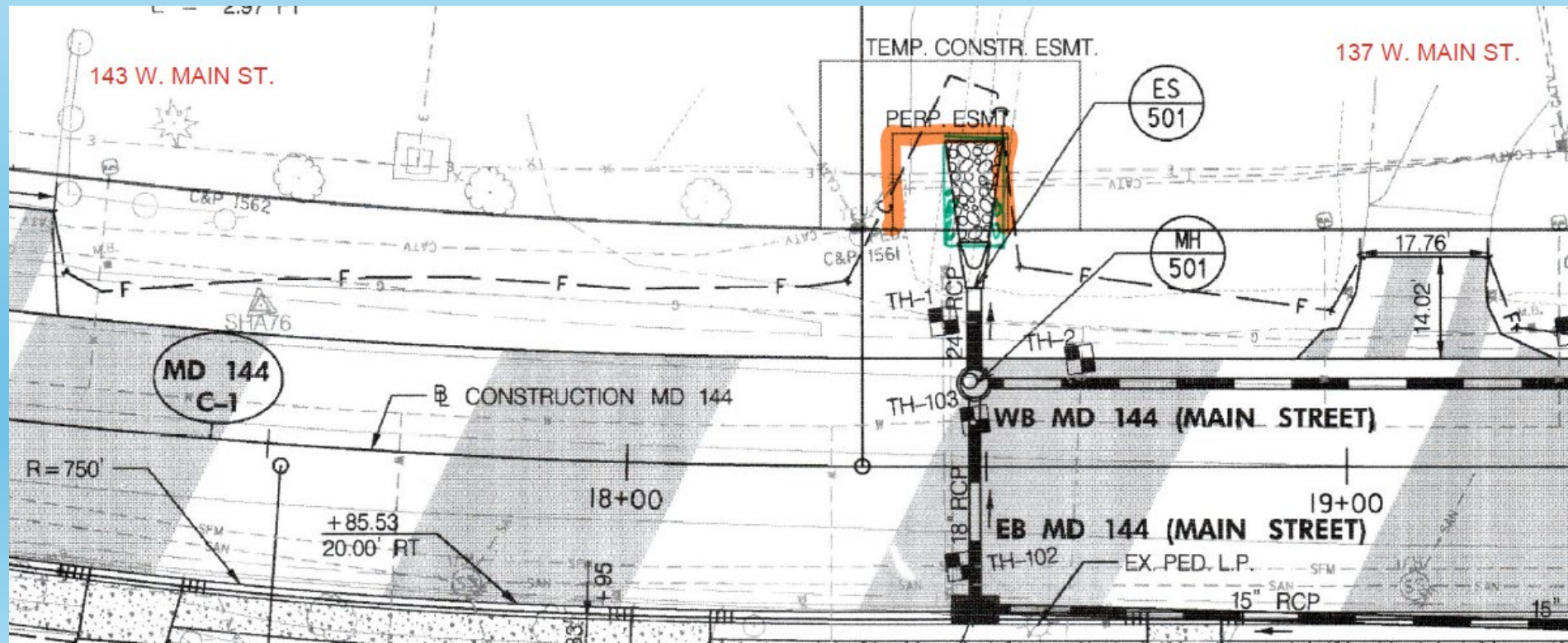
**STANDARD ROAD
CONVEYANCE DEED**
FROM THE STATE HIGHWAY ADMINISTRATION
OF THE MARYLAND DEPARTMENT
OF TRANSPORTATION AND THE BOARD
OF PUBLIC WORKS OF MARYLAND

Right of Way Item No. 91089
SHA Contract No. FR327

THIS ROAD CONVEYANCE DEED, made this 27th day of July in the year, 2017, by and between the STATE HIGHWAY ADMINISTRATION of the MARYLAND DEPARTMENT OF TRANSPORTATION, acting for and on behalf of the STATE OF MARYLAND, party of the first part; and the BOARD OF PUBLIC WORKS OF MARYLAND, party of the second part hereinafter sometimes called "GRANTORS"; and The TOWN OF NEW MARKET, FREDERICK COUNTY, MARYLAND, a body corporate and politic, hereinafter sometimes called "GRANTEE."

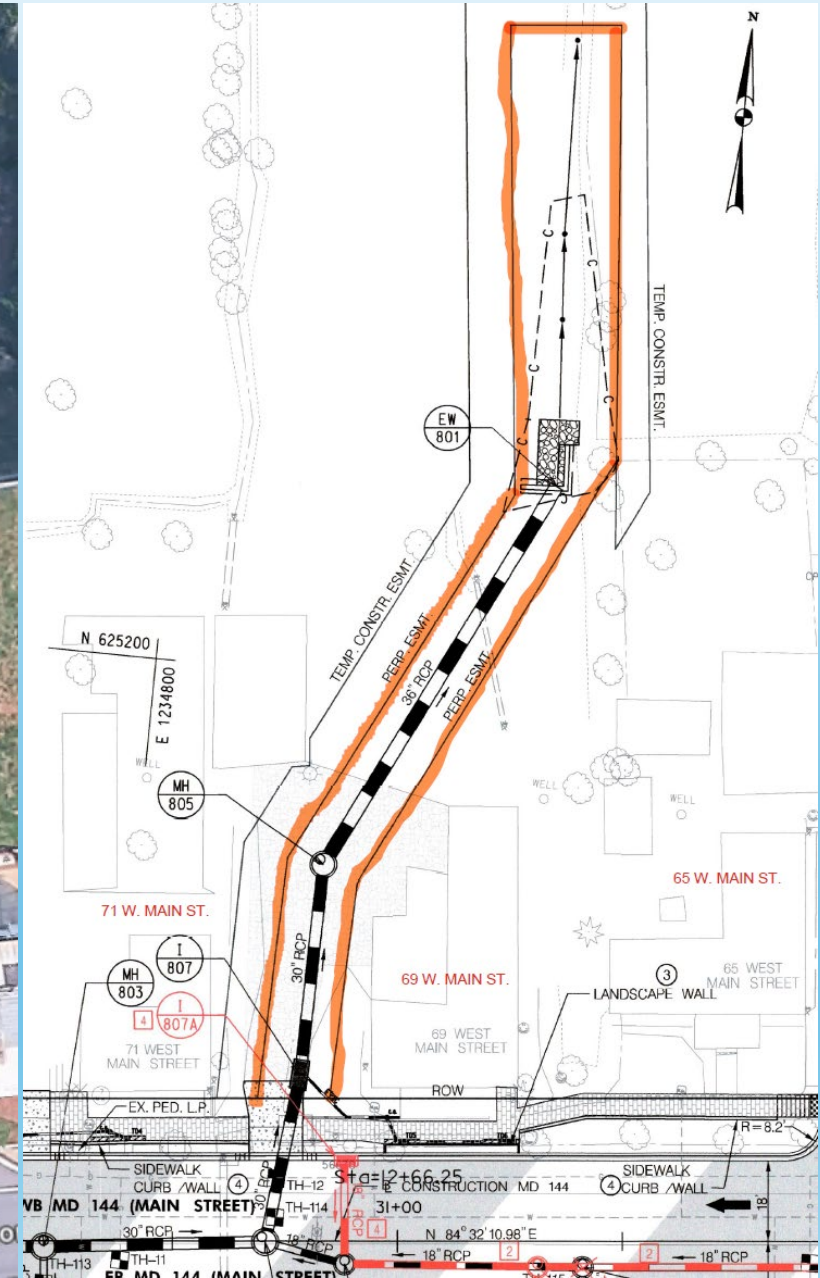
Easement Area 1

- AREA 1: Pipe outfall between 137 and 143 W. Main Street. Located on Town Property. Approximately 215 square feet.



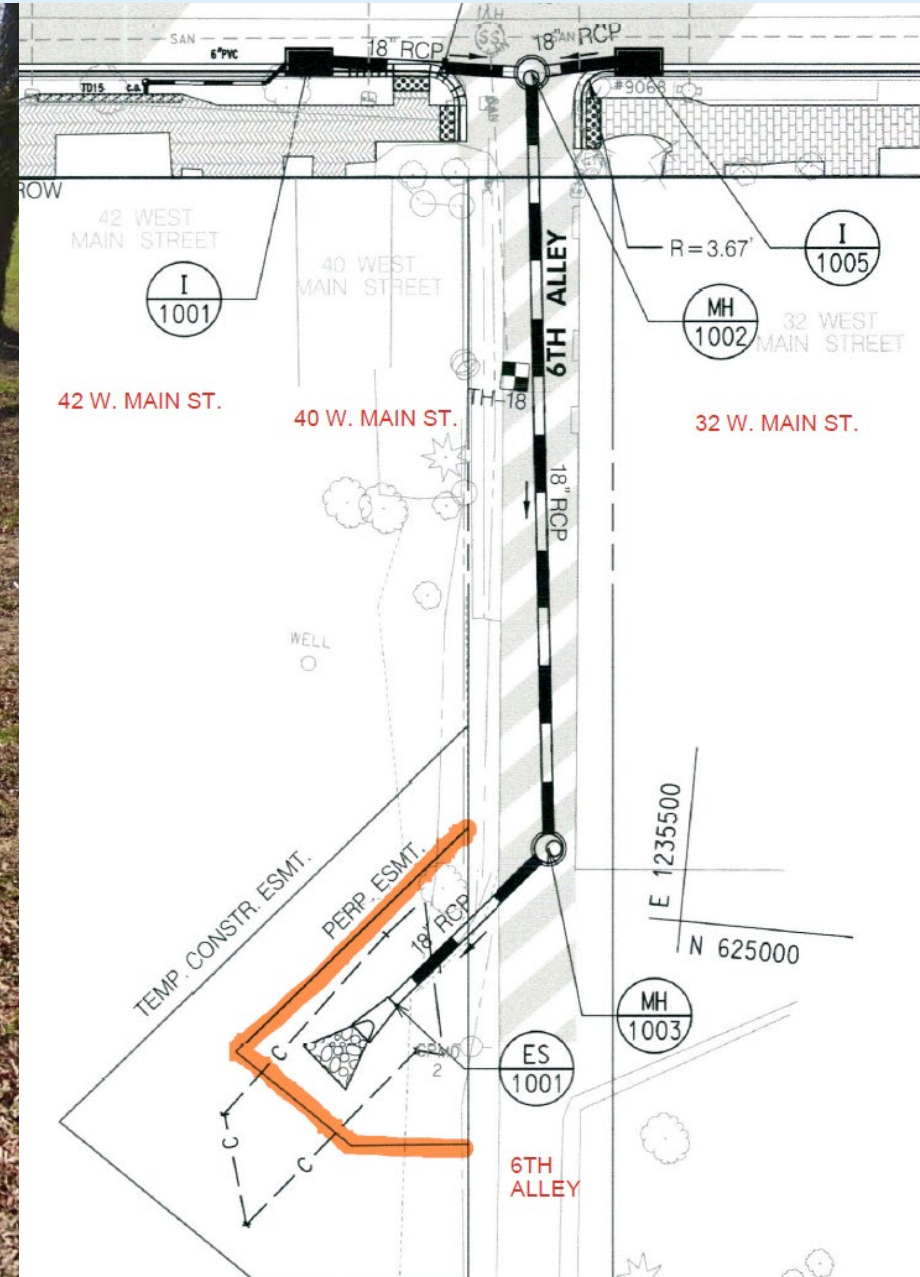
Easement Area 2

- AREA 2: Pipe outfall between 65 and 69 W. Main Street. Located on Private Property. Approximately 4,823 square feet.



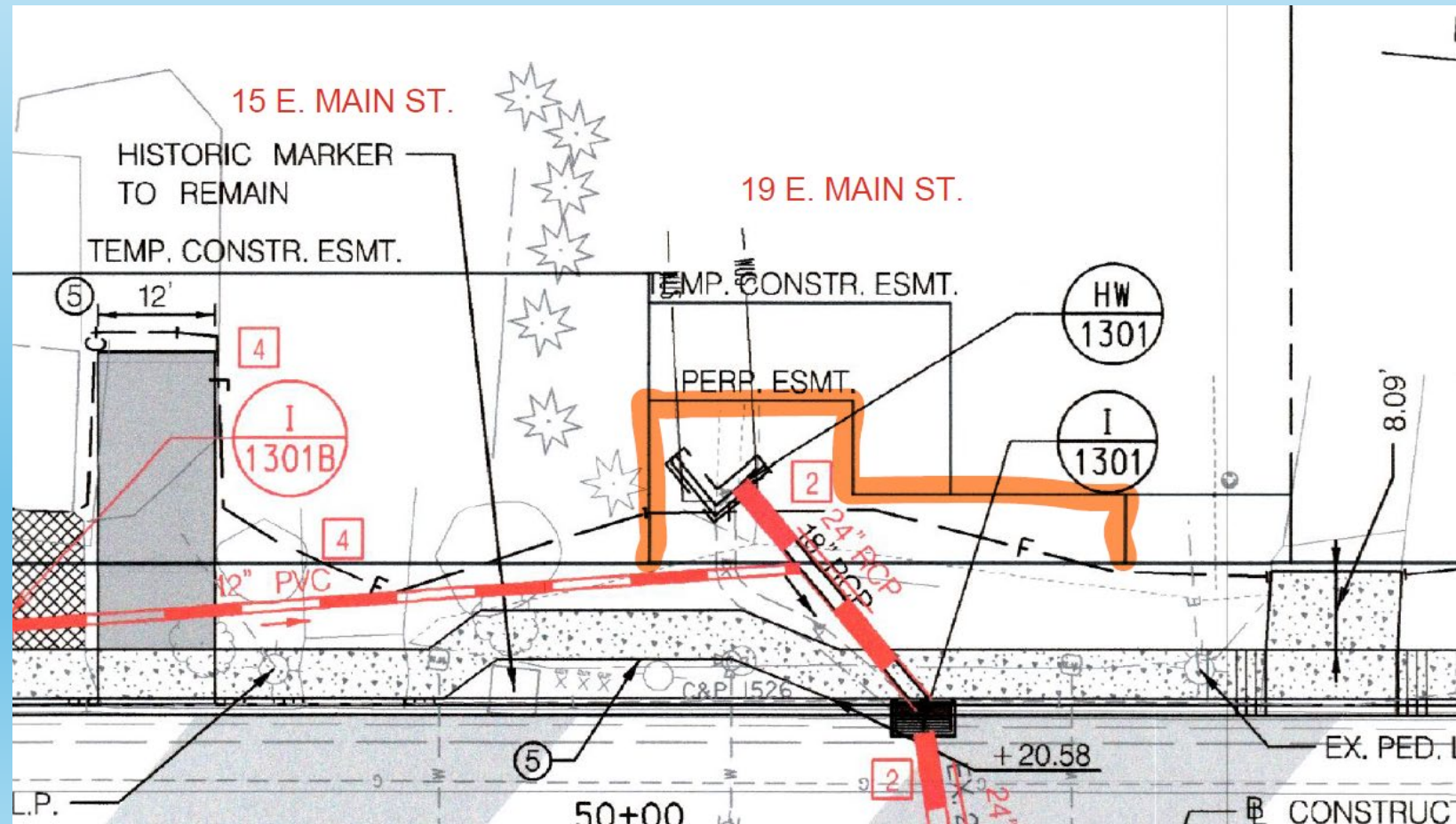
Easement Area 3

- AREA 3: Pipe outfall on 40 and 42 W. Main Street. Located on Private Property. Approximately 924 square feet.



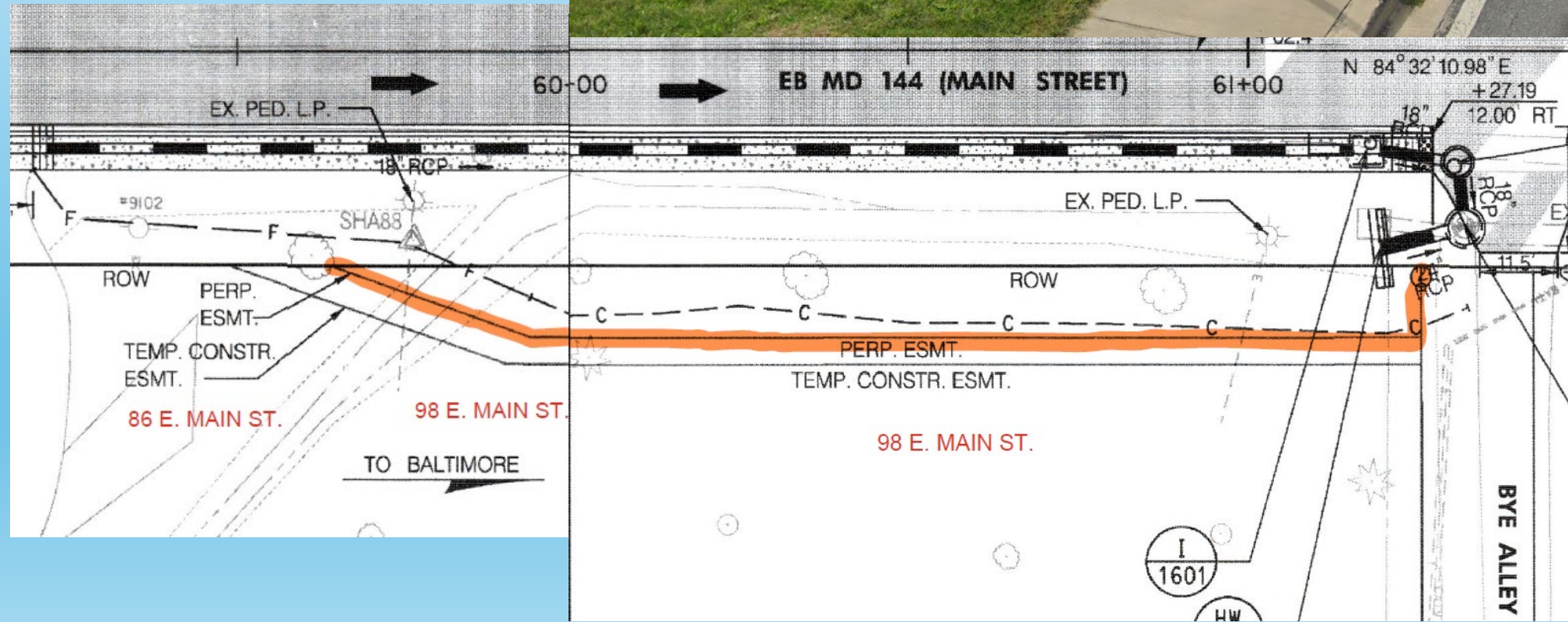
Easement Area 4

- AREA 4: Pipe headwall on 19 E. Main Street. Located on Private Property. Approximately 555 square feet.



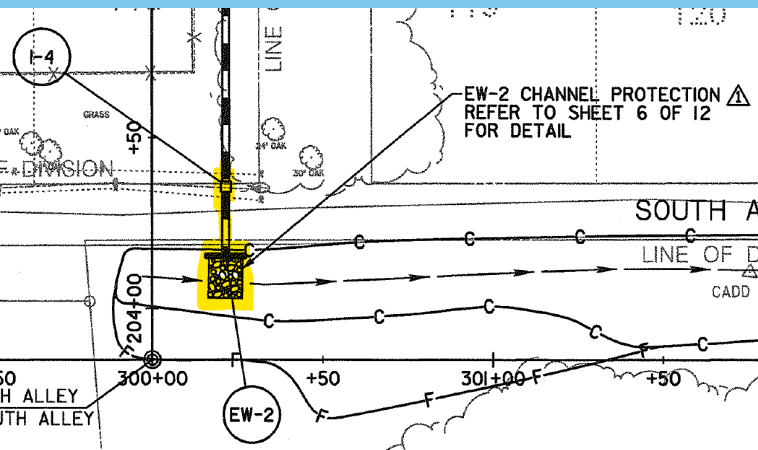
Easement Area 5

- AREA 5: Drainage swale and pipe headwall on 86 and 98 E. Main Street. Located on Private Property. Approximately 1,568 square feet.



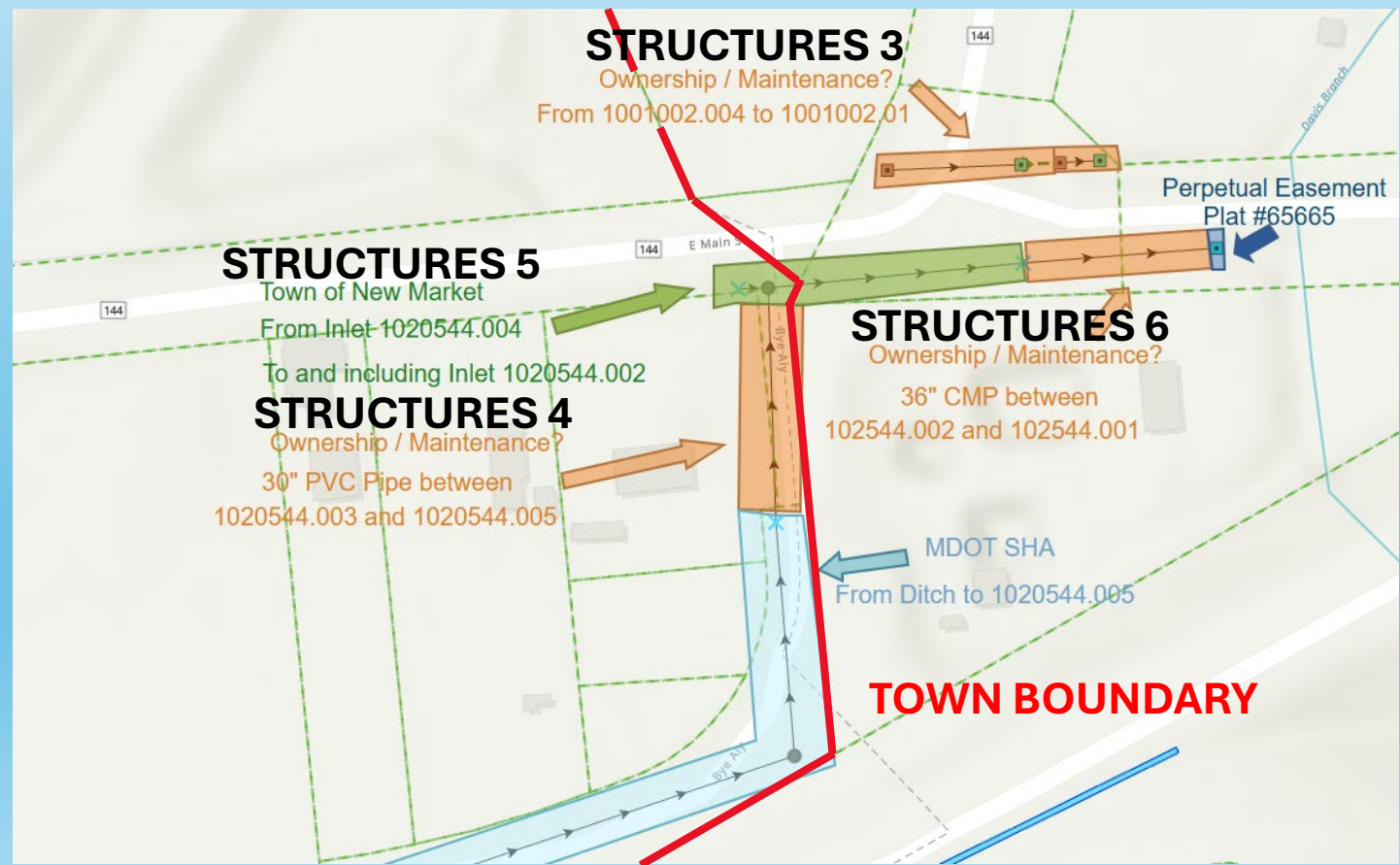
Drainage Structures 1 to 2

- During their review of the Easements and Drainage Structures within the Town Boundary, SHA staff noted areas where structure ownership is unclear (areas shown in orange).
- The SHA has asked for Town opinion on structure ownership.
- Structure 1: 24" PVC pipe
- Structure 2: Concrete Endwall and Riprap Apron
- Staff suggest considering Town ownership of this section of pipe and endwall since it is conveying Main St. runoff under South Alley to an outfall.



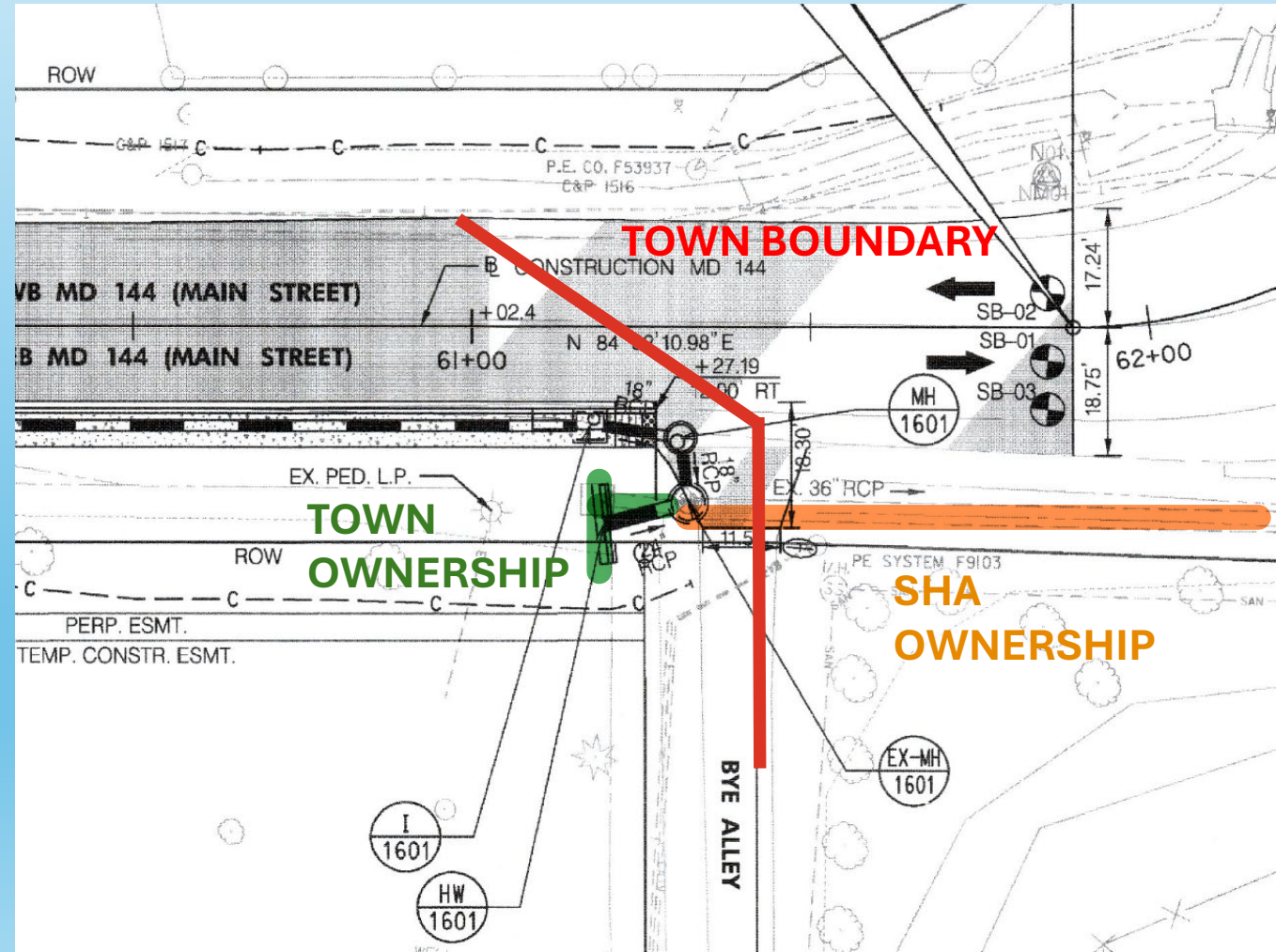
Drainage Structures 3 to 6

- Structures 3: Outside of Town Boundary. Staff suggest SHA ownership.
- Structures 4: This system conveys flow from the channel along South Alley. Runoff from outside the Town boundary (I-70 runoff) enters this system. Staff suggest SHA ownership.
- Structures 5: Staff suggest Town ownership of the headwall and first section of pipe because they only convey Main Street runoff. The remaining structures mix with offsite runoff and should be under SHA ownership.
- Structures 6: Outside of Town Boundary. Staff suggest SHA ownership.



Drainage Structures 5 Expanded

- Structures 5: Staff suggest Town ownership of the concrete headwall and first section of 24" concrete pipe because they only convey Main Street runoff. The remaining structures mix with offsite runoff and are outside the Town boundary, therefore should be under SHA ownership.



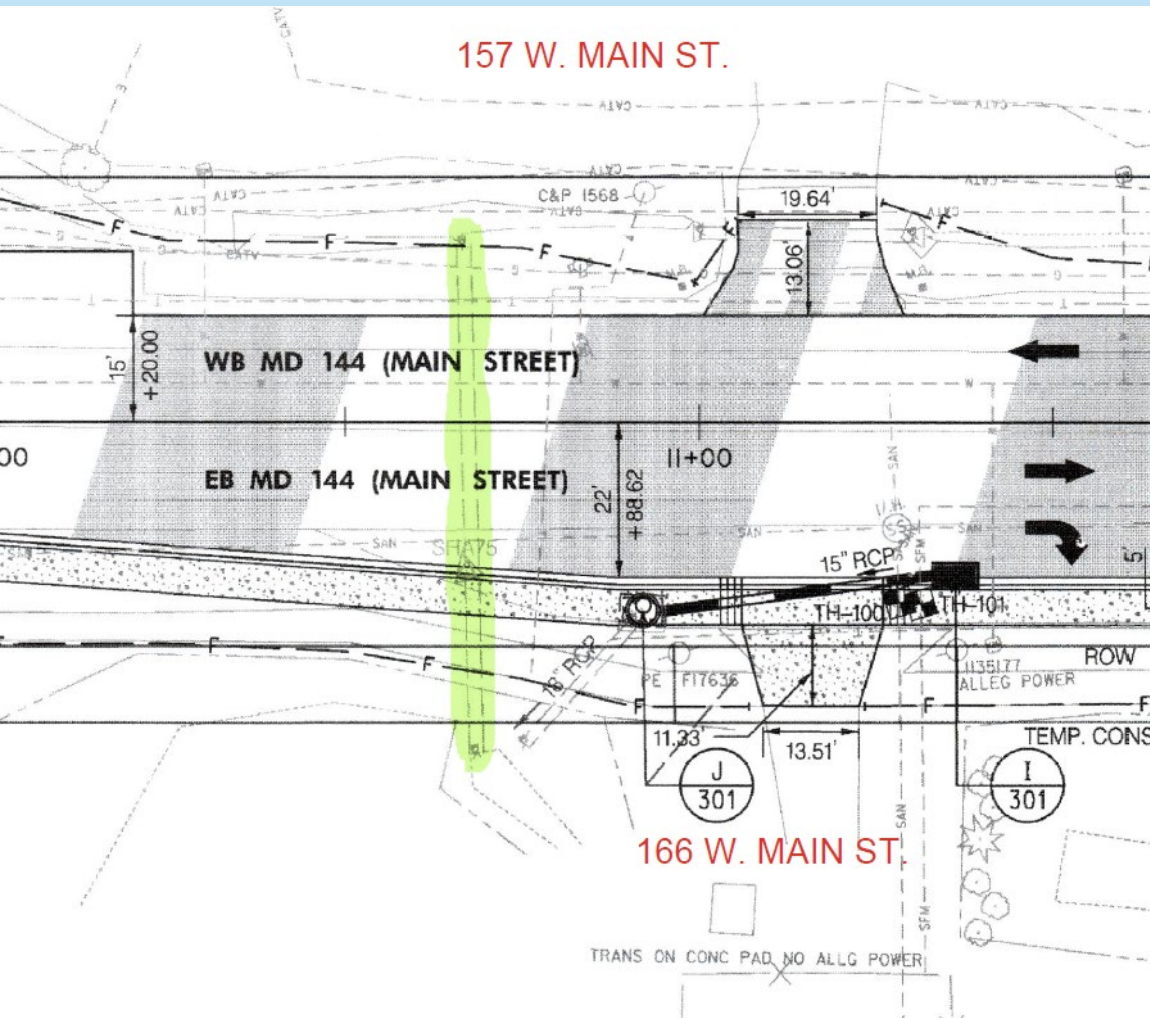
Drainage Structures 7 to 8

- During coordination with the SHA, Staff reviewed the MDOT SHA Highway Hydraulics Division *Research Website* and noted multiple structures that are listed as owned by the SHA along Main Street.
- Structures within Town Right-of-Way and the previously discussed Easements would be conveyed to the Town under the Confirmatory Road Conveyance Deed.
- The two structures below are outside Town Right-of-Way. Staff suggests including these structures, and driveway culverts within the Town Right-of-Way, in the Confirmatory Road Conveyance Deed.

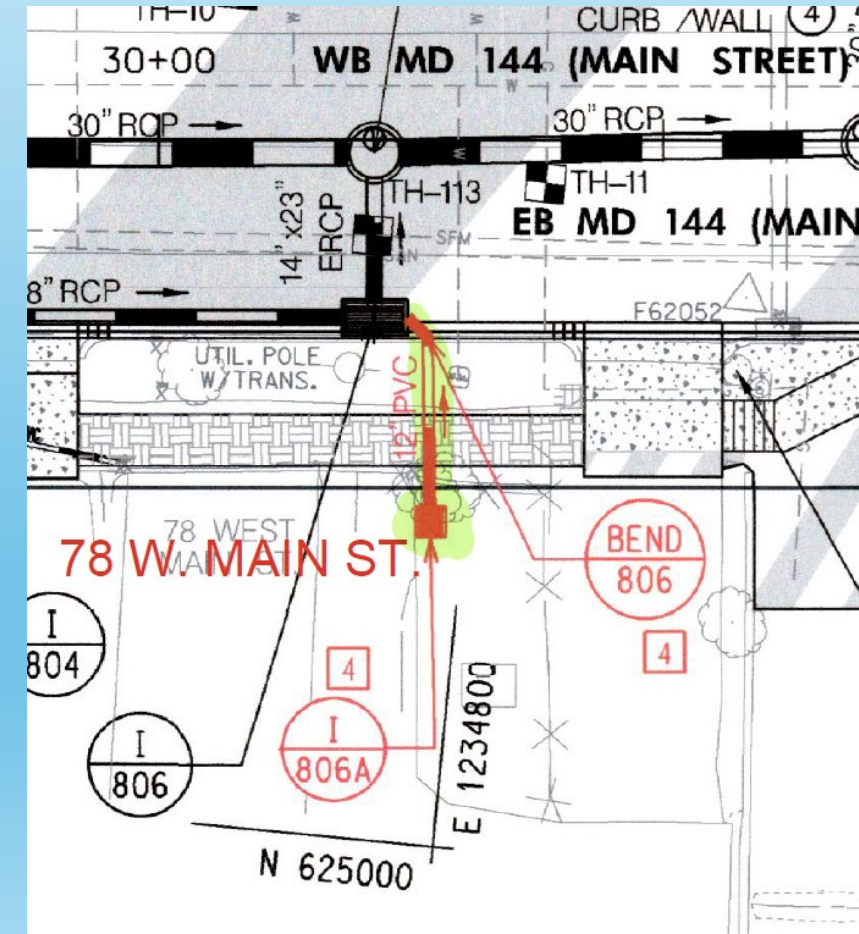
	Pipe Size	Pipe Material	Within Easement	SHA Structure Number	Nearest Address
Structure 7	Unknown	Unknown	No	1002240.001	166 W. Main St.
Structure 8	12"	PVC	No	1021065.002	78 W. Main St.
Note: Multiple driveway culverts within Town boundary shown as SHA ownership					

Drainage Structures 7 to 8 Expanded

- Structure 7: Existing pipe culvert under Main Street. Staff suggest Town ownership of this structure.



- Structure 8: Installed outside Town Right-of-Way to collect runoff ponding behind sidewalk. Staff suggest Town ownership of this structure.



Potential Costs

- Document Preparation: The MDOT SHA Plats and Surveys Department and Attorneys will prepare the Confirmatory Road Conveyance Deed. Minor cost associated with Town Staff (Engineer and Attorney) review and final presentation to Town Council.
- Recordation of Deed: Staff understands MDOT SHA to record deed.
- Maintenance: The Main Street drainage structures installed during Streetscape were already included in the database used to project infrastructure maintenance/replacement costs. If the Town decides to take ownership of any additional structures suggested by the SHA, the database will be updated to project future maintenance/replacement costs.

Summary of Staff Recommendations

- Easement Areas 1, 2, 3, 4, and 5 have their rights conveyed to the Town under the Confirmatory Road Conveyance Deed.
- Structures 1 and 2 be conveyed to Town ownership under the Confirmatory Road Conveyance Deed.
- Partial Structures 5: The concrete headwall and first section of 24” concrete pipe be conveyed to Town ownership under the Confirmatory Road Conveyance Deed.
- Structures 7 and 8 be conveyed to Town ownership under the Confirmatory Road Conveyance Deed.
- The structures identified as 3, 4, and 6 should be owned/maintained by the MDOT SHA.
- Structure 5 sections not specifically mentioned above should be owned/maintained by the MDOT SHA.

Next Steps

- Staff will coordinate with the SHA to convey tonight's Town Council decisions made about the Easement Locations and the Drainage Structures.
- The SHA will prepare a Confirmatory Road Conveyance Deed to make explicit the intent to convey the Easement rights, all drainage structures within Main Street Right-of-Way, and the specific structures identified at tonight's meeting to the Town.
- Town Staff will review the Confirmatory Road Conveyance Deed and present to the Town Council when ready for Town signature.

Council Decision

