

The Town of New Market



TO: The Town of New Market Town Council
FROM: Tim Rye, Town Engineer
DATE: September 2, 2026

RE: Staff Report on Ownership of Perpetual Easements and Drainage Structures within New Market Town Boundary

Dear All,

During recent staff review of a Site Plan located along Main Street in the Town Historic District, staff contacted the Maryland Department of Transportation (MDOT) State Highway Administration (SHA) Plats and Surveys Division (PSD) regarding the ownership of perpetual drainage easements identified in the previously constructed MDOT SHA Streetscape project. SHA and Town staff reviewed the executed Road Conveyance Deed (RCD) between the Town and the SHA recorded in 2018 after completion of the Streetscape project. Both Town and SHA staff concluded Perpetual Easements outside the roadway Right-of-Way were not specifically addressed in the RCD.

SHA staff escalated the issue to their legal department. The SHA attorneys noted the intent of the RCD is more clearly limited to conveyance of the roadway alone and the RCD doesn't explicitly address easement rights conveyance. To clarify this issue and define easement rights ownership, the SHA has offered to execute a Confirmatory Road Conveyance Deed to make explicit an intent to convey easement rights to the Town of New Market, if the Town agrees to take ownership.

Additionally, during the perpetual drainage easement review, several drainage structures (headwalls, pipes, manholes, and inlets) within or near the Town of New Market were identified in the SHA drainage structure database. To clearly define ownership, SHA staff suggested including these drainage structures in the Confirmatory Road Conveyance Deed between the SHA and the Town of New Market, if the Town agrees to take ownership.

Staff review and recommendation

Staff have prepared the attached presentation to:

- Provide background on the easements created during the Streetscape project, the related Road Transfer Agreement (RTA), and the related Road Conveyance Deed (RCD).
- Summarize prior coordination with the MDOT SHA.
- Provide plan views or aerial imagery of the easement areas and drainage structures with uncertain ownership.
- Identify potential costs related to deed creation and structure maintenance
- Summarize staff recommendations on easement and drainage structure ownership
- Identify the future process to execute the Road Conveyance Deed.