

**COUNTY OF RUTHERFORD
OFFICE OF COUNTY ENGINEER**

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Rutherford County is one of the fastest growing communities in the State. When you continue to add additional people to an area with existing flood problems, you have to be careful not to make the situation worse. Every time someone builds a new house, road, garage, pool, etc. a piece of soil that once allowed water to infiltrate down into the ground is now not able to do so. As Project Engineer for the Rutherford County Public Works section, I have to deal with the adverse effects of this growth day in and day out. I have been working for Rutherford County for about fifteen months. I am originally from Lexington, Alabama and I graduated from Auburn University with a Bachelor's Degree in Biosystems Engineering. My goal is to try and minimize as much flooding as possible in Rutherford County.

The Rutherford County Public Works section is relatively new; we started our first project last June. Since then, we have done several jobs and helped a lot of homeowners who had flooding problems. The Public Works crew can only work in recorded Drainage Easements. From my experience, I have learned that most people don't know what a drainage easement actually is in place to do.

A Drainage Easement is basically a portion of the land on your property that is designated for the purpose of storm water drainage. This does not change the fact that you own it and you pay taxes on it. The property owner that owns the land should perform maintenance on their drainage easement on a regularly reoccurring schedule. Drainage Easements are marked on Subdivision Plats and property deeds. Before you buy a property you should always be aware of all of the easements that are on the land.

A common problem with Drainage Easements is fences crossing the easement. This is important for a couple of reasons. One, if maintenance has to be done somewhere on the easement then the same area is typically used for access. For example, if in a subdivision there is a section of ditch in a drainage easement that is filled with brush and trees that needs to be cleaned out that is 500 feet from your neatly manicured property and, the same easement connects you to the troubled property, it wouldn't be uncommon for your easement to be used as access to the troubled

property. Therefore, if a wooden fence were installed across the ditch, it would tremendously change how we could access the entirety of the easement. Wooden fences are not the only problem; chain-link can be just as bad when trying to access these areas that need work.

The other problem with fences crossing easements is how the fence impedes the flow of water through the easement. A chain-link fence will catch most every stick or limb and will catch large amounts of grass clippings and leaves. When a fence becomes clogged it basically acts as a dam, and then the water cannot flow as freely. Wooden fences inside of ditches also act like a dam and can clog very easily. This makes a big difference in the entire drainage system of a subdivision. It is the homeowner's responsibility to ensure that these easements flow freely and; therefore, should keep them free of this rubbish.

Blocking an easement is illegal. Therefore, you can be cited for placing a fence across a ditch if it impedes the flow of water. If the Public Works crew has to do maintenance in a drainage easement that has a fence crossing it, we can remove the fence and in most cases will not replace it. With this being said, if you are planning to fence in your yard, be conscious of your easements and if you have any questions about fence placement, feel free to contact the Rutherford County Engineering Department.

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