



Notice

Notice & Frequently Asked Questions About Recording Historical Drain Easements

What is a county drain?

A county drain is an open watercourse or a system of enclosed pipes with the purpose of collecting water and taking it to an outlet that has been established or constructed pursuant to the Michigan Drain Code.

What do county drains look like?

County drains can take on many different forms, but are generally either open ditches that resemble streams or rivers, or enclosed pipes that run underground with catch basins that collect the surface water.

What is a drain easement?

A drain easement is a conveyance of an interest in real property that allows the Drain Commissioner to perform certain activities, including the construction, operation, maintenance and improvement of the county drain. By law, a Drain Commissioner must obtain an easement over the portions of land where the drain exists before the drain can become a county drain.

A landowner still owns the underlying land, but is prohibited from certain activities within the easement, such as constructing permanent structures like barns, sheds and fences,

Why am I receiving this Notice?

The Drain Commissioner's office has recently recorded several historical drain easements at the Register of Deeds Office that were granted in the late 1800s and early 1900s. This notice is to inform you that one of these historical easements may cover a portion of your property where a county drain currently exists.

Who granted an easement on my property?

Many times, the easements were granted by property owners who owned your property in the late 1800s or early 1900s when the county drain was originally established and constructed. Copies of the historical easements have been recorded at the Register of Deeds office.

Why didn't this drain easement show up on the title search when I purchased my property?

By law, any drainage easement granted prior to 1956 was not and is still not required to be recorded with the Register of Deeds, but is still considered to be a valid easement. Because there are many unrecorded drainage easements, many property owners are not aware that an easement exists on their property because most title companies do not check with the Drain Commissioner when searching for property easements.

Why are the historical easements now being recorded at the Register of Deeds?

In an effort to ensure all property owners in Isabella County are provided notice of the existence of drainage easements on property they are purchasing, the Drain Commissioner's office has started recording these historical drainage easements so they will appear in title searches.

Where can I find a copy of the easement?

Please contact the Isabella County Register of Deeds at 200 N. Main Street, Rm 220, Mount Pleasant, MI 48858 if you would like to obtain a copy of the recorded historical easement.