

4.0 EASEMENTS

4.1 General

Easements granting the City or specific private landowners certain rights and privileges may be required as a part of a subdivision plat or site plan review. The purpose of this section is to provide policy, procedures, and guidelines for establishing easements for storm drainage and stormwater management systems.

Proposed easements will be shown conceptually on preliminary site plans. The easements will be in final form on the submitted stormwater management plan and will be consistent with the design on final plats and site plans.

Easements will be dimensioned to allow them to be located in the field by providing dimensional ties to property corners. Where easements are aligned with property lines, offset dimensions will be provided. Verification of easement location will be required as a part of the as-built requirements. If drainage or stormwater management improvements are found to have been constructed outside of the easement; then, the permittee will be responsible for vacating the original easement and recording a new easement, in the proper location, at the permittee's expense.

Administrator reserves the right to require that easements shall not split property lines. Where an open channel or storm drain system runs parallel to a property line, it shall be offset from the property line an adequate amount so that the easement is totally contained on the property that contains the open channel or storm drain and not split onto the adjacent property.

4.2 Drainage Easements

Drainage easements giving the City the right to discharge stormwater runoff onto private property are required for all public storm drainage systems and stormwater management facilities that are located on private property. This includes open channels, culverts, inlets, storm drains, stormwater management basins, and other best management practices that are owned, operated, and maintained by the City. Public storm drainage systems are used to convey stormwater drainage from public property, public right-of-way, or another public storm drainage system through private property. Once the stormwater is discharged into a perennial or intermittent stream, or is otherwise managed, a public drainage easement is not required. Public stormwater

management facilities are used to provide appropriate stormwater management for stormwater runoff generated by land development on public property. Examples of situations where a public drainage easement is required include:

- Concentrated stormwater runoff from a public facility discharging to private property, including any open channels leaving the property or any storm drains leaving the property.
- Concentrated stormwater runoff from public streets and open channels or storm drains from the public street right-of-way which passes onto any private property.
- A stormwater management facility that provides regional stormwater management and is located on private property.

Drainage easements giving a private party the right to discharge concentrated stormwater runoff onto downstream private property are required whenever connections are made to a downstream public or private storm drainage system.

No buildings, foundations, structures, fences, or walls, not associated with the storm drainage system or stormwater management facility shall be located within a drainage easement. In addition, easements that contain open channels shall not be obstructed by fences or vegetation.

Storm drainage easements shall not be located within 10 feet of the ~~rear~~ wall of any individual single-family residential structure.

Underground utility lines and structures shall be kept at least 5-feet horizontal from drainage pipes, structures, and channels, except at utility crossings. Utility crossings at drainage easements shall be at as near 90-degrees as possible.

Where a storm drainage system terminates or starts short of a property line, adequate drainage easements shall be dedicated to allow for maintenance and future extension of the system through the property.

4.2.1 Culverts and Storm Drains

The minimum width of drainage easements for culverts and storm drains shall be as follows:

<u>Pipe Size (width)</u>	<u>Minimum Easement Width</u> *
33" and smaller	20 feet
36" – 42"	25 feet
48" – 60"	30 feet
66" – 78"	35 feet

*Minimum width given above is for installations with depths of cover of 10-feet or less (measured at the top of pipe). For each additional 5-feet of cover over 10-feet (rounded up), the minimum easement width will be increased by 10-feet.

For pipes that are larger ~~wider~~ than given in the table above, and for installations that result in minimum easement widths greater than 50-feet due to installation depths, the minimum easement width shall be set by the City based on the width requirements to access the pipe in the future for repair.

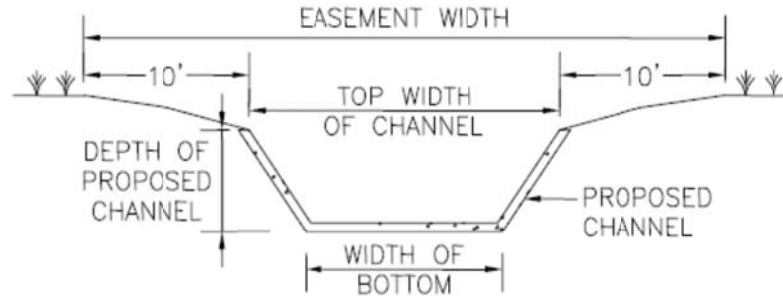
Drainage easements at the inlet and outlet of all culverts and storm drain inlets shall include the areas inundated by the headwater during the 100-year storm. The easement shall extend a minimum of 10 feet from culvert inlets and outlets, energy dissipator, and storm drain inlets to allow for maintenance access. Where steep slopes and/or deep fills exist, additional easement area may be required to allow for proper access.

Storm drain easements shall cross private driveways at perpendicular angles to the extent practical.

4.2.2 Open Channels

The minimum width of the drainage easement required is dependent on the top width of the channel as indicated in Figure 4-1. The Administrator may require additional width when necessary, based on size and depth of pipe and adjacent conditions.

**Figure 4-1
Easement Width for Open Channels**



4.2.3 Stormwater Management Facilities

Stormwater management easements shall be provided for all structures, pond area, embankments, inlet and outlet channels, and access and working areas necessary to inspect, maintain, and repair the facilities. The 100-year flooding area of all stormwater basins or other holding structures, plus a minimum distance of 20-feet all around the facility, shall be contained within the drainage easement area. Additional area will be provided if necessary for the proper maintenance of the facility.

4.3 Access Easements

Access easements giving the City the right to access private property for the purpose of inspecting, and if necessary to maintain or repair private stormwater management facilities is required for all private stormwater management facilities. This includes stormwater management basins, filter strips, bioretention trenches, underground detention areas, and all other BMPs.

In addition, all stormwater management facilities shall contain a minimum 20-foot working area around all stormwater management basins and a minimum 10-foot working area around all other BMPs and an access easement connecting to a public road. Depending on the size and location of the stormwater management facility and the size and length of the storm sewer system, more than one vehicle accessible access easement connecting to a public road may be required.

All stormwater structures and BMPs shall be accessible by vehicle. Areas within an access easement that are intended to be vehicle accessible shall have a maximum slope of 10 percent for

unpaved surfaces and 18 percent for paved surfaces. The vehicle access shall be a minimum of 12 feet in width. The minimum width for an access easement shall be 20 feet.

All access easements shall connect to a public road or right of way.

4.4 Maintenance of Easements

Ownership of land within easements shall remain with the property owner. The property owner shall have the responsibility of maintaining the easement areas free of any obstructions or use that would interfere with the rights or privileges granted by the property owner.

The property owner shall not alter the existing ground elevations or in any way redirect or obstruct stormwater flow. Any alterations to easements resulting in obstruction or redirection of flow will be returned to existing elevations immediately at the cost of the property owner.