

## **1005.210 Easements.**

1. All proposed subdivisions shall have easements as determined by the Department to be adequate for the installation and maintenance of utility facilities, including cable television distribution systems.
2. Where a cut or fill for a street extends beyond the limits of the right-of-way, the developer shall provide a slope easement or special escrow as determined by the Department of Highways and Traffic to be of sufficient area and limits to permit the construction and maintenance of the slope.
3. Whenever a stream or surface drainage course is located in an area proposed for a subdivision, the developer shall provide an easement determined by the Department to be adequate in area to contain facilities to take care of flooding or erosion along the stream or surface drainage course.
4. Stormwater and Stormwater Control Easements
  - a) Stormwater easements and drainage rights-of-way may be required if necessary for proper drainage within and through a subdivision.
  - b) Stormwater control easements are required along all major creeks and significant tributaries; around and including all new wet lakes functioning as part of a stormwater control system; and for all detention areas, basins, and related structures.
  - c) Stormwater Control Easements shall include a minimum dimension of twenty (20) feet back from the bank of improved creek channels as approved on improvement plans, or of such width back from unimproved channels as required by M.S.D. Easements shall include a distance of not less than ten (10) feet back from the estimated high water line of lakes, dry detention areas, and basins.
  - d) Final location of stormwater control easements shall be approved by M.S.D. and the County as part of the improvement plan approval. Such easements shall subsequently be shown on a record plat or special easement plat.
  - e) In addition to stormwater control easements, stormwater control access easements shall be required as necessary to provide for upkeep of the area within designated stormwater control easements. Separately designated access easements shall not be less than twenty (20) feet wide.
  - f) The Department of Planning shall require script on the record plat or trust indentures for all development containing stormwater control easements and access easements to such areas, specifying assessments for and maintenance of such particular areas apart from other common land, until M.S.D. accepts the easements. (O. No. 12035 - Adopted 4/25/85)

## **1005.210-1**