

## **Stormwater Easement & Maintenance Agreement Documentation Requirements and Checklist**

The City's Land Development Code requires the following be provided for the permanent stormwater treatment practice(s) (e.g. infiltration system, pond) designed for your project to meet the City's stormwater volume control and water quality requirements:

- o Permanent public drainage easement; and
- o Recorded maintenance agreement; and
- o Consent and subordination agreement (only for properties with mortgages)

**The following shall be supplied by the property owner to the City's Stormwater Compliance Specialist prior to Land Disturbance Permit approval.** These submittals are required for City staff to prepare the required legal documents for Land Development Code Article 19.12.

### **To be supplied by Property Owner:**

- o Property Owner Name.
- o Signatory Party Name **and** Title (*Owner representative authorized to sign legal documents*).
- o Easement Area Legal Description for each permanent stormwater treatment practice (Word or text document format)
  - o *The easement is required to be a minimum of 10 feet in width and shall extend from the structural stormwater BMP to the boundary of the parcel and terminate at said boundary at a location providing for **reasonable access** (e.g. abut to existing approaches) from the adjoining public right-of-way onto the easement.*
  - o *The easement shall be a minimum of 10 feet in width from the edge of the structural stormwater BMP and include all pre-treatment BMPs (e.g. sumps). In the case of surface ponding BMP's, the easement shall be a minimum of 10 feet in width from the Normal High Water Level.*
- o 11 x 17 Map with easement area location and written easement legal description.
- o Maintenance Plan for each type of structural stormwater treatment practice;
  - o Guidance: <http://www.ci.stcloud.mn.us/339/Construction-Site-Information>

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***The City will obtain Owners & Encumbrance Report to verify owner information and mortgage information.***

**Upon submittal of required documentation:**

- The City's Legal Department will prepare documents.
- Documents will be sent to the property owner for signatures with required return date.
- Payment for recording documents will be requested; the amount will be provided by the City.
- Upon receipt of returned document(s) and payment, City staff will forward the documents to the County for recording.
- Copy of recorded documents will be sent to owner by City.

**Why does the City require an easement and maintenance agreement?**

The Minnesota Pollution Control Agency (MPCA) requires that the Control Authority, City, has legal access to inspect and ensure proper maintenance is occurring on privately-owned stormwater treatment practices.

**Permanent Public Drainage Easement and Maintenance Agreement Process**

The property owner is responsible for the document submittal for the Stormwater Easement & Maintenance Agreement Documentation Requirements. The City will prepare the Public Drainage Easement and Maintenance Agreement once all submittals are received, and then will return to the property owner for signatures.

**Consent and Subordination Agreement**

This agreement is required for all mortgaged properties, indicating the mortgage company/ bank agrees to the terms of the Drainage Easement and Maintenance Agreement if they become owner of the property.

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