

# Plat language proposal

## Glossary of terms

Stormwater Facilities: any stormwater infrastructure.

Stormwater Treatment and Flow Control Facilities: a subset of grouped stormwater infrastructure designed for flow control and/or treatment. These are facilities designed to meet Minimum Requirements 6 and 7 in the Clark County Stormwater Manual.

Maintenance Easement, when granted to multiple lot owners or HOA, provides for access for long-term operation including inspection, maintenance and repair.

Maintenance Easement, when granted to Clark County, provides for county access to public infrastructure outside the public right-of-way for long-term operation including inspection, maintenance and repair.

Inspection Easement: granted to Clark County. Applies only to privately operated treatment and flow control facilities located in private maintenance easements or private tracts. The county is granted an inspection easement to regularly inspect for proper function. Routine long-term operation and maintenance remains with the private party named as storm tract owner or named in the corresponding maintenance easement note. The easement also grants county access for emergency repairs or maintenance, to be billed to the storm tract owner.

Dedicated to and Conveyed to are terms used when donating a tract of land to a specific entity for ownership. Ownership of the tract will dictate long-term operation responsibility of the included stormwater infrastructure.

Granted to is the term used when allowing specified parties access within an easement onto private property.

## Basic Rules

### *Tracts*

- Tracts containing storm treatment/flow control structures: each storm tract needs to be assigned ownership, typically either Clark County or a subdivision homeowner's association. Other than an HOA, a storm tract should not have ownership described as multiple lot owners. An individual should generally not be the named owner.

### *Easements*

- All easements, in some fashion, must state the purpose, the responsible party and, where applicable, that the county has access for inspection purposes.
- The terms "private easement" and "public easement" are to be avoided unless a map note is included that refers to a clarifying plat note.

- Easements containing treatment/flow control structures:
  - all such assemblages of infrastructure that are not on county property or county right-of-way are to be privately owned and maintained. The easement will be granted to the responsible party or parties. Additionally, an inspection and emergency repair easement will be granted to Clark County.
- Easements for conveyance:
  - no easement is required for storm infrastructure serving only one lot and located on that lot. That infrastructure will be the responsibility of the lot owner.
  - an easement **is** required for storm infrastructure serving two or more lots. The easement needs to name the responsible party or parties, either an HOA or specific lot owners.
  - if a conveyance system does not either originate from public infrastructure, or connect both upstream and downstream with public infrastructure, there is no easement to Clark County needed.
  - When a conveyance system that is understood to be the responsibility of Clark County is placed across private property, a 20 foot wide easement (minimum) is required. A note must appear that states a maintenance easement is granted to Clark County.

**Specific language for Side Notes**

- ***STORMWATER NOTES, GENERAL (required on all plats)***

All stormwater facilities outside of county right-of-way and outside of county property shall be privately owned and maintained unless otherwise noted.

All private stormwater facilities serving only a single lot shall be the responsibility of the individual lot owner.

- ***WHEN THERE IS PRIVATE STORMWATER INFRASTRUCTURE SERVING MULTIPLE LOTS***

A stormwater maintenance easement is granted to \_\_\_\_\_.\*

- ***WHEN PRIVATE TREATMENT AND/OR FLOW CONTROL FACILITIES ARE LOCATED IN AN EASEMENT***

A stormwater maintenance easement is granted to \_\_\_\_\_.\* Also an inspection easement is granted to Clark County.

○ **WHEN TREATMENT AND/OR FLOW CONTROL FACILITIES ARE LOCATED IN A TRACT OF LAND SET ASIDE FOR STORMWATER PURPOSES**

*IF TRACT IS TO BE COUNTY OWNED:*

Storm Tract “\_\_” is dedicated to Clark County.

*IF TRACT IS TO BE OWNED BY AN HOA OR SPECIFIC LOT OWNERS:*

Storm Tract “\_\_” is dedicated to \_\_\_\_\_\* An inspection easement is granted to Clark County.

**Map Easement Notes**

Easement notes on the map itself may be shortened to state only a stormwater easement exists along with its width, but only when there is also a reference to a clarifying plat note.

Example:

→ ← 20' stormwater easement . See note 3.

Referencing the following plat note:

**3.** *A stormwater maintenance easement is granted to the H.O.A. Also an inspection easement is granted to Clark County.*

**Please see attached sample plat for more examples.**

\*homeowners association or specified lot owners.