

## Guidance for Stormwater Plat language-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 obligations remains with the private party named as stormwater tract owner or named in the corresponding maintenance easement note. The easement also grants county access ~~for to perform~~ neglected or emergency repairs or maintenance, to be billed to the stormwater 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-General Rules

#### *Tracts*

- Tracts containing stormwater treatment/flow control structures: each such stormwater tract needs to be assigned ownership, typically either Clark County or a subdivision homeowner's association. ~~Other than an HOA, Generally, if an HOA has been formed then~~ a stormwater tract should not have ownership described as multiple lot owners; rather, ownership should be in the name of the HOA. In the absence of an HOA, a stormwater tract may be owned jointly and severally by multiple lot owners. An individual should generally not be the named owner.

#### *Easements*

- All easements, ~~in some fashion,~~ must in some fashion state the purpose, the responsible party and, where applicable, that the county has access for inspection purposes. Also, to be

enforceable, the easement must contain a legal description of the property within which the easement is located, as well as a legal description of the easement itself.

- 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 stormwater 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 containing stormwater~~ conveyance:
  - no easement is required for stormwater 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 stormwater 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 stormwater conveyance system does not either originate from public infrastructure, or connect both upstream and downstream with public infrastructure, there ~~is~~ will be no easement ~~granted~~ to Clark County ~~needed~~.
  - When a stormwater conveyance system that is understood to be the responsibility of Clark County is placed on or across private property, a 20 foot wide easement (for access, maintenance, inspection and repair) (minimum) is required (or alternate width if allowed by code). 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~~ not located on 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:*

Stormwater Tract " \_\_ " is dedicated to Clark County.

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

Stormwater 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.

# THE LOWLANDS ON MOUNT JAGGY

PRELIMINARILY APPROVED AS LOTS OF GIDDINESS

1. ALL STORMWATER FACILITIES OUTSIDE OF COUNTY RIGHT-OF-WAY OR COUNTY PROPERTIES SHALL BE PRIVATELY OWNED AND OPERATED UNLESS OTHERWISE NOTED.
2. ALL PRIVATE STORMWATER FACILITIES SERVING AN INDIVIDUAL LOT SHALL BE THE RESPONSIBILITY OF THE LOT OWNER.
3. A STORMWATER MAINTENANCE EASEMENT IS GRANTED TO THE H.O.A.
4. A STORMWATER MAINTENANCE EASEMENT IS GRANTED TO THE H.O.A. ALSO AN INSPECTION EASEMENT IS GRANTED TO CLARK COUNTY.
5. STORM TRACT "A" IS DEDICATED TO CLARK COUNTY.
6. STORM TRACT "B" IS DEDICATED TO THE HOMEOWNERS ASSOCIATION. ALSO AN INSPECTION EASEMENT IS GRANTED TO CLARK COUNTY.
7. TRACT "C" IS DEDICATED TO THE HOMEOWNERS ASSOCIATION FOR USE AS PRIVATE ROADWAYS. ACCESS EASEMENTS ARE GRANTED TO LOTS 21 THROUGH 50 FOR INGRESS & EGRESS. ALSO AN INSPECTION ACCESS EASEMENT TO STORM TRACT "B" IS GRANTED TO CLARK COUNTY ACROSS TRACT "C."

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



- LOCATED IN
- PLANNING DIRECTOR
  - ASSESSOR
  - COUNCILORS
  - COUNTY ENGINEER
  - SURVEYOR'S CERTIFICATE
  - HEALTH DEPARTMENT
  - AUTIDOR'S CERIFICATE



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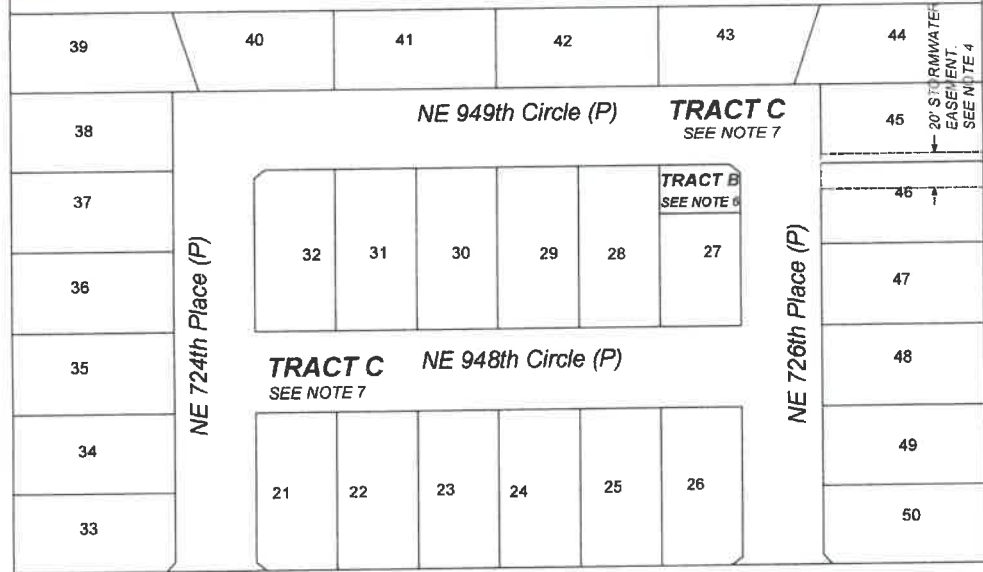
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NE 723rd Ave

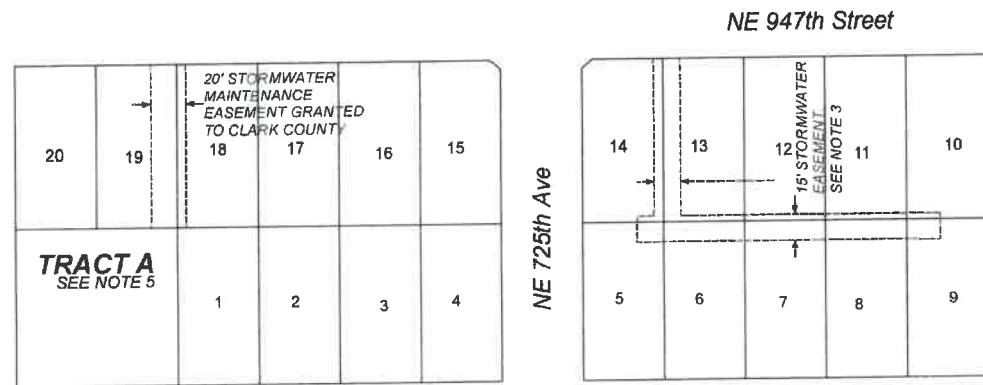


20' STORMWATER EASEMENT. SEE NOTE 4

NE 726th Place (P)

NE 724th Place (P)

NE 727th Ave



NE 946th Street

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