

SECTION 3
EASEMENTS, DEDICATIONS AND MAINTENANCE

3.1 MAINTENANCE EASEMENTS AND CANAL RIGHTS-OF-WAY FOR PRIMARY CANALS

The District has designated certain canals within the District as primary canals. The locations of these canals are shown in the District Public Facility Report and on **Exhibit 7, District Boundary and Major Facilities**, and may be revised from time to time.

When a project is adjacent to a primary canal, the applicant will be required to dedicate right-of-way for the primary canal should the District determine that it is necessary to do so. The applicant may also be required to dedicate a maintenance easement adjacent to the primary canal. The maintenance easement shall be a minimum of 25 feet in width and shall be located from the top of bank of the primary canal. The maintenance easement for the primary canal shall be kept free of all improvements including, but not limited to, trees, fences, guardrails, utilities, landscaping, etc. unless approved by the District.

It shall be the responsibility of the property owner of the adjacent project to stabilize the maintenance easement in a manner that is satisfactory to the District. The maximum slope of the maintenance easement shall be 20 feet horizontally to each 1 foot vertically. The maximum slope of the bank of a primary canal shall be 2 feet horizontally to each 1 foot of vertical unless it can be demonstrated that the geology of the area will allow for a steeper slope. Refer to **Exhibit 12, Primary Canals Minimum Design Criteria and Canal Maintenance Easement**.

3.2 MAINTENANCE EASEMENTS AND RIGHTS-OF-WAY FOR SECONDARY CANALS, LAKES AND OTHER DRAINAGE FACILITIES

The applicant may be required to dedicate to the District those maintenance easements, rights-of-way and drainage easements that are determined to be necessary by the District during its

review of the project. The dedication of these maintenance easements, rights-of-way and drainage easements shall be for the purpose of assuring drainage not only for the property under consideration, but also to assure drainage of adjacent properties when necessary. It shall be the responsibility of the property owner to maintain all drainage facilities until they are dedicated to the District.

All maintenance easements and drainage easements shall be dedicated to the District but maintained by the property owner unless the District determines otherwise. When maintenance is to be performed by a homeowner association, approval of its form of incorporation, applicable incorporation documents and association documents will be required by the District. All drainage and maintenance easements shall be stabilized, sodded or seeded in a manner approved by the District. Refer to **Exhibit 13, Secondary Canals Minimum Design Criteria and Canal Maintenance Easement**. No structures, fences, trees or guardrails shall be allowed in maintenance, drainage or canal easements unless specifically authorized by the District by applying to the District Director for a specific permit to allow for its use.

When permission is granted to occupy an easement, the property owner shall enter into an indemnification and hold harmless agreement indemnifying the District from any and all liability as the result of the property owner's use of the easement. The property owner shall agree to remove any improvement if the District determines at some future date that the improvement would impede the District's use of the easement. The property owner shall be responsible for all costs incurred by the District including legal expenses, engineering and surveying costs, if any, and all recording fees connected with the use of the easement or right-of-way. Refer to **Exhibit 10, Lake Cross Section and Lake Maintenance Easement**.

3.3 DEDICATION OF DRAINAGE SYSTEM, RIGHTS-OF-WAY AND EASEMENTS

It is the intent of the District to require dedication of rights-of-way and easements that are required by the District to maintain or provide access to a water management system. Where possible, the applicant shall identify the required easements on the plat of the project. All easements or

rights-of-way shall be in conformance with the District Public Facility Report and District criteria. When there is a requirement that the development is to provide for drainage of property adjacent to the development, an easement or right-of-way shall be provided by the applicant of sufficient size to provide for this off-site drainage. Refer to Section 2.22 and Section 7.3 for additional requirements.

3.4 EASEMENTS FOR CULVERTS

An easement shall be provided by the applicant for all culverts in accordance with the following table:

Pipe Size	Minimum Easement Width (unencumbered)
Less than 36 inch	20 feet
36 inch through 54 inch	30 feet
60 inch and larger	40 feet

All culverts shall be centered within their respective easement. After acceptance of the applicant's drainage system and the necessary easements, the District shall maintain the culverts, lakes and canals that are a part of the projects **primary drainage system**.

When property is dedicated to the District by quit claim deed, warranty deed or other dedication, the District may require that an environmental audit be performed prior to acceptance of the property by the District.

3.5 BOAT RAMPS

The District will require the installation of boat ramps in water bodies where the District determines that access is necessary to perform an inspection and/or maintenance. The expense for the boat ramp shall be the obligation of the developer. The installation of the boat ramp shall conform to **Exhibit 17, Boat Ramp Detail**. A boat ramp easement at least 20 feet in width shall

be dedicated to the District at the location of the boat ramp, and said easement shall extend to a public right-of-way via an ingress/egress easement. If the District determines that maintenance can be performed from the water without the installation of a boat ramp, the District may waive the requirement. The waiver of the boat ramp requirement shall require the payment of a fee of \$2,500.00 by the developer to help the District offset the added cost of maintenance imposed by the lack of the ramp.