



## Policy 05

### EASEMENTS FOR STORMWATER CONTROL AND WATER QUALITY FACILITIES

The City of Knoxville has been mandated by the federal government to provide for the permanent maintenance of stormwater facilities that manage stormwater runoff and affect stormwater quality entering our streams and other public waters. The *Knoxville Stormwater and Street Ordinance* gives design and development requirements for stormwater facilities. Consequently, the development of private property within the city requires property owners to formally accept responsibility for maintaining these facilities on their property. To acknowledge and facilitate this responsibility, the property owner must execute a special written document and dedicate easements before a site development permit or a building permit will be issued.

The special document is entitled ***Covenants for Permanent Maintenance of Stormwater Facilities*** (CPMSF, or also known as a Covenants document). Upon execution of this document, the property owner covenants or affirms that he will build these facilities according to design plans approved by the City Engineering Department, and that he or future owners of this property will maintain the stormwater facilities in good working order in perpetuity. This document must be recorded with the Knox County Register of Deeds and referenced in future survey plats and deeds. For assistance, contact the City Engineering Stormwater Division at 215-2148.

Section 22.5-34 of the Knoxville Stormwater and Street Ordinance stipulates that permanent easements must be established for stormwater and water quality facilities. These easements must be located, defined, dedicated and identified on a survey plat approved by the Metropolitan Planning Commission (MPC) and recorded with the Knox County Register of Deeds. If any facility is not constructed as shown on the approved design plans and located satisfactorily within the dedicated easement, the owner will be required to revise and re-record the document or plat that dedicates the original easement.

#### **TYPES OF FACILITIES AND EASEMENTS**

Easements are required for the following types of facilities, collectively referred to as "stormwater facilities":

- **Stormwater Control Facilities** (detention basin, retention basin, drywell, constructed wetlands)
- **Water Quality Facilities** (oil/water separator, sand filtration inlet, grit chamber, oil skimmer)
- **Drainage Channels and Piping** (culvert, pipe, grate inlet, curb inlet, flume, stream, ditch, swale)

Three types of easements may be required for Stormwater Control and Water Quality Facilities:

- **Facility Easements** (encompasses the facility)
- **Access Easements** (provides access from a public road to the *facility easement*)
- **Drainage Easements** (for open channels and pipes that carry flowing water)



Facility easements are required for all stormwater control and water quality facilities. The amount of easement needed and the location of easement boundaries for **stormwater control facilities** varies by type but can not be less than 20 feet x 20 feet. For detention and retention basins, the easement must be at least 5 feet outside the top of cut slope and at least 5 feet outside the toe of fill slope. The final location of all stormwater control facility easements must be coordinated by the design engineer and the surveyor, and then approved by the Engineering Department.

In addition to easements, a Special Pollution Abatement Permit (SPAP) is required for **water quality facilities**. Like stormwater control facilities, the amount and location of easements needed for water quality facilities must be approved by the Engineering Department but cannot be less than 20 feet x 20 feet. The surveyor, design engineer, and Department representative must coordinate closely in this effort as well.

**Access easements** are normally required when the facility easement does not directly abut a public road and there is not an easily traversable access route from a public road to the facility. When an access easement is required, it may not be merged with the facility easement.

**Drainage easements** are required for open channels, piping, and associated structures. This type of easement is required when drain blockage will result in flooding the property of others, or when deemed necessary by the Engineering Director. The width of these easements is determined by several factors, including size, shape, depth of pipe, maintenance equipment anticipated, type and material of pipe, etc. See Policy 04 (Drainage Easements) for minimum easement widths for common pipe sizes and shapes.

## **PLATTING REQUIREMENTS**

Information that must be shown on the survey plat is listed below by the type of easement. Every stormwater control facility and every water quality facility must be located on a permanent easement that is not shared with any other type of utility or access easement.

- **FACILITY EASEMENTS**

1. Covenants Document Reference and Owner's Responsibility Note – Provide instrument number (15 digits) where the Covenants document is recorded and responsibility note similar to the following:

*"The property owner(s) is (are) responsible for maintaining stormwater facilities on this property. See Covenants document recorded with the Register of Deeds as Instrument No. \_\_\_\_\_."*

2. Performance Bond Stamp – Appropriate stamp on plat and signed by the Stormwater Engineering Division; see Minimum Subdivision Regulations (MSR) Section 44-115.
3. Identification – Identify purpose of easement and if structure is existing or proposed, such as "Easement for As-Built Detention Basin" or "20-Ft. Easement for Proposed Oil/Water Separator".
4. Easement Location - Easement boundary plotted accurately and to scale.



5. Easement Description - Bearings & distances sufficient to permit confirmation of Category I ratio of precision (bearings to nearest minute or better, distances to nearest hundredth of a foot).
6. Property Ties - Bearings & distances sufficient to fix easement location relative to property boundary (bearings to nearest minute or better, distances to nearest hundredth of a foot).
7. Easement Area - Area of stormwater control and water quality facility easements in square feet.
8. Any additional information necessary to properly describe and locate the easement on the ground by field survey.

- ACCESS EASEMENTS

Every stormwater control and water quality facility must have traversable access from a public road. Therefore, an access easement will be required when the facility easement: 1) does not abut a public road, or 2) does not contain a traversable route from a public road to the facility. At the discretion of the Engineering Director, access easement widths may vary but must be at least 20 feet wide. An access easement may not be merged with the facility easement it serves. Minimum requirements for traversable access are contained in Policy 06, Maintenance Access for Stormwater Management Facilities.

Unlike easements that provide primary access to property, access easements to stormwater facilities do not normally require conveyance by a recorded written document. Also, property owners are not normally required to construct a roadway or trail. However, nothing is allowed in these easements that will substantially obstruct access when needed (large trees, buildings, manholes, utility poles, commercial signs, fences, etc.).

The following is required for access easements:

1. Identification and Width – Identify purpose and width of easement, such as “20-Ft. Detention Basin Access Easement” or “20-Ft. Water Quality Facility Access Easement” (also show perpendicular width graphically between right-of-way lines).
2. Easement Location – Easement right-of-way lines and centerline plotted accurately and to scale.
3. Easement Description – Bearings & distances labeled along right-of-way lines sufficient to permit confirmation of Category I ratio of precision (bearings to nearest minute or better, distances to nearest hundredth of a foot) [bearings & distances not required along right-of-way lines if labeling plotted centerline is preferred] .
4. Property Ties – Bearings & distances sufficient to fix easement location relative to public road right-of-way and property boundary (bearings to nearest minute or better, distances to nearest hundredth of a foot).
5. Easement Area – Not required.
6. Any additional information necessary to properly describe and locate the easement on the ground by field survey.