

DEED OF STORMWATER CONTROL AND EROSION CONTROL EASEMENT

This DEED OF STORMWATER AND EROSION CONTROL EASEMENT is made by _____ of Richland County, Ohio, hereinafter Grantor. This instrument is located in the Official Record Volume _____, Page_____.

WHEREAS, Grantees are the authorized governmental authorities responsible for the establishment, oversight and maintenance of the Richland County Stormwater and Erosion Control Program as required by Article IV, Section 4.02 (E) and (F) of the Richland County Stormwater Management, Sediment Control, and Post-Construction Stormwater Regulations.

WHEREAS, Grantor is now in compliance with said Program and has agreed to dedicate certain property required for such continued, uninterrupted and perpetual compliance.

NOW, THEREFORE, the Grantor declares as follows:

In consideration of \$ 1.00 and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor grants to the Board of County Commissioners of Richland County, Ohio and the Board of Supervisors of the Richland County Soil and Water Conservation District, as Grantees, the right to construct, maintain and repair stormwater and erosion controls and applications in and along the Grantor's property as hereinafter fully described and shown on the site plan attached hereto as EXHIBIT A:

SEE ATTACHED LEGAL DESCRIPTION, EXHIBIT "A"

Parcel No.: ___ - ___ - ___ - ___ - ___

Property Address: _____

Prior Deed References: _____

The easement further grants to Grantees the free right to enter and depart over Grantor's property as is necessary in accordance with the purposes of the easement.

To the extent the Easement Area contains a storm sewer, culvert, over land open ditch flood route, detention basin, retention basin and/or any other storm water structure or stormwater Best Management Practice (BMP) as part of the Drainage Easement (a "Storm Sewer"), the Storm Sewer rights are senior to the rights of any other public or private utility or interest utilizing the easement, except for overlap areas with a "Sanitary Easement." Any costs associated with the damage, repair, replacement or relocation of any buried or above ground facility or structure that is necessary to allow the maintenance, repair or replacement of a Storm Sewer shall be the responsibility of the owner of said utility, facility or structure. When maintenance, repair or replacement of a Storm Sewer causes the removal of any trees, plantings, landscaping, fence, driveway or any other feature located within the Easement Area, the replacement and cost of said items shall be the responsibility of the owner of the underlying property, or commercial association, if applicable.

Any landscape features, such as trees, fences, retaining walls, etc. in the Easement Area shall be reviewed by the Richland Soil and Water Conservation District ("RSWCD") and the Richland County Engineer's Office ("RCEO") prior to installation. The RSWCD and RCEO will review the proposed landscape improvements to assure that the landscape improvements will not interfere with the Drainage Easement storm water control facilities.

No buildings, sheds, decks, pools, or other such structures, or the footers or foundations of any structures or features shall be constructed above or below ground within the Easement Area unless said structure is approved in writing by the RCEO and RSWCD.

Grantees may post signage identifying the easement area.

TO HAVE AND TO HOLD said Easement and right-of-way unto the Grantee, its successors and assigns forever. This grant of easement shall be perpetual and run with the land.

Grantor for itself and its successors and assigns, hereby covenants with said Grantee, its successors and assignees that it is the true and lawful owner of said premises as recorded in the Official Record Volume _____, Page _____, in the Richland County, Ohio Recorder's Office and is lawfully seized of the same in fee simple, and has good right and full power to grant, bargain, sell, convey, and release the same in the manner aforesaid, and will warrant and defend the same against all claims of all persons whomsoever.

Signed by the Grantor on this _____ day of _____, 20____.

Grantor:

Signature

Legibly Printed Name

Signature

Legibly Printed Name

STATE OF OHIO }
 }
 } ss.
COUNTY OF RICHLAND }

Before me, a Notary Public in and for said County and State, personally appeared _____, the Grantor in the foregoing Deed of Stormwater Control and Erosion Control Easement, and acknowledge the signing thereof to be his/her voluntary act and deed.

Witness my hand and official seal this _____ day of _____, 20____.

Notary Public

This instrument was prepared by: _____.