



## DEVELOPMENT SERVICES CENTER



### DSC Information Notice #184 November 10, 2011

#### **Topic: Subdivision Stormwater Management Facility Easements**

#### **Background**

Subdivision stormwater management facility (SWMF) impoundment, drainage, access, and maintenance easements have been dedicated to the City by using a note on the recorded subdivision final plat. Recently, this practice has caused concerns and questions regarding the control and use of the access way from the street to the SWMF. The lack of maintenance by property owners around the facilities has also become an issue for the inspections staff.

#### **New Procedure**

In order to resolve these concerns, future easements associated with SWMFs will be dedicated to the City by a deed of easement recorded in the Office of the Clerk of Circuit Court. The deed and the subdivision final plat will be recorded together and contain cross reference notations. A generic Deed of Easement for SWMF form may be found on the DSC website by selecting the *Fillable Forms* picture icon in the middle of the page and scrolling down past "Submittal Checklists" to the "Legal Documents" section or use the following hyperlink. [Legal Documents](#)

#### **Subdivision Final Plat Preparation Hints and Information**

The attached diagram is provided to assist licensed professionals in their preparation of subdivision final plats.

- The new SWMF impoundment and drainage easement boundary will remain the same, i.e., top of bank.
- The new SWMF impoundment and drainage easement will also include access and maintenance rights for the City in the plat notes and deed of easement (See Sample Notes 1 & 2).

- The new SWMF access and maintenance easement will remain the same width around the new SWMF impoundment, drainage, access, and maintenance easement, i.e., 20 feet (See Sample Note 2).
- The new SWMF access and maintenance easement will also include the access way (if provided) and state the City’s access rights in the deed of easement.
- If stormwater pipes are placed under the access way, the new standard drainage, access and maintenance easement must be shown over the stormwater pipes on the plat and referenced by the new dedication note (See Sample Note 4). The example in the attached diagram shows the easement as being larger than 20 feet for demonstration purposes.
- If the SWMF is adjacent to a right-of-way or an access way is not needed, the access way will not be shown on the plat. However, the 20-foot access and maintenance easement will still be needed around the new SWMF impoundment, drainage, access, and maintenance easement.
- When identifying drainage easements going into and out of the SWMF, the easement (shown in black dashed lines) must cross the access and maintenance easement (shown in crosshatched red) and tie into the impoundment, drainage, access, and maintenance easement (shown in crosshatched blue).
- Linear drainage, access, and maintenance easements over pipes, ditches, swales, and the like may continue to be dedicated to the City by reference note on the recorded final subdivision plat. The note must be expanded to include access and maintenance (See Sample Note 4 below).

### **New Standard Subdivision Plat Notes:**

The following standard notes are required on the subdivision final plat for subdivisions with SWMFs and drainage systems:

- **Sample Note 1:** “The variable width Impoundment, Drainage, Access, and Maintenance Easement shall be available for all of the following, but not limited to, conveyance, collection, storage, drainage, impoundment, treatment, and other related uses of surface water and/or groundwater and maintenance of and access to and over the stormwater management facility. No alterations whatsoever of the stormwater management facility and its bank side slopes within the limits of the impoundment, drainage, access, and maintenance easement is permitted without the approval of the Department of Public Works. City maintenance shall be limited to that as described in the recorded Deed of Easement, see Note (Sample Note 2).”
- **Sample Note 2:** “Variable width impoundment, drainage, access, and maintenance easement to be dedicated to the City of Virginia Beach by deed recorded as Instrument Number \_\_\_\_\_ in the Office of the Clerk of Circuit Court in the City of Virginia Beach.”

- **Sample Note 3:** “Twenty-foot (20’) wide access and maintenance easement to be dedicated to the City of Virginia Beach by deed recorded as Instrument Number \_\_\_\_\_ in the Office of the Clerk of Circuit Court in the City of Virginia Beach.”
- **Sample Note 4, if stormwater pipes are located in the access way and for use in dedicating public drainage easements:** “\_\_\_\_\_-foot (\_\_\_’) wide drainage, access, and maintenance easement hereby dedicated to the City of Virginia Beach.

**Effective Dates:**

**Immediately for a Final Subdivision Plat submitted for the first time after November 10, 2011.**

**January 13, 2012 for a disapproved Final Subdivision Plat submitted on or prior to November 10, 2011. If final subdivision plat approval has not been granted by close of business on January 13, 2012, the easements discussed in this DSC Notice must be dedicated by deed and the final subdivision plat notes must be modified accordingly.**

**One Year for a Final Subdivision Plat approved prior to November 10, 2011. The approved final subdivision plan will be honored for one (1) year after the date of the approval letter. If the final subdivision plat is not recorded within that one-year period, the easements discussed in this DSC Notice must be dedicated by deed and the final subdivision plat notes must be modified accordingly.**

**For More Information, Please Contact:**

**DSC Project Managers**

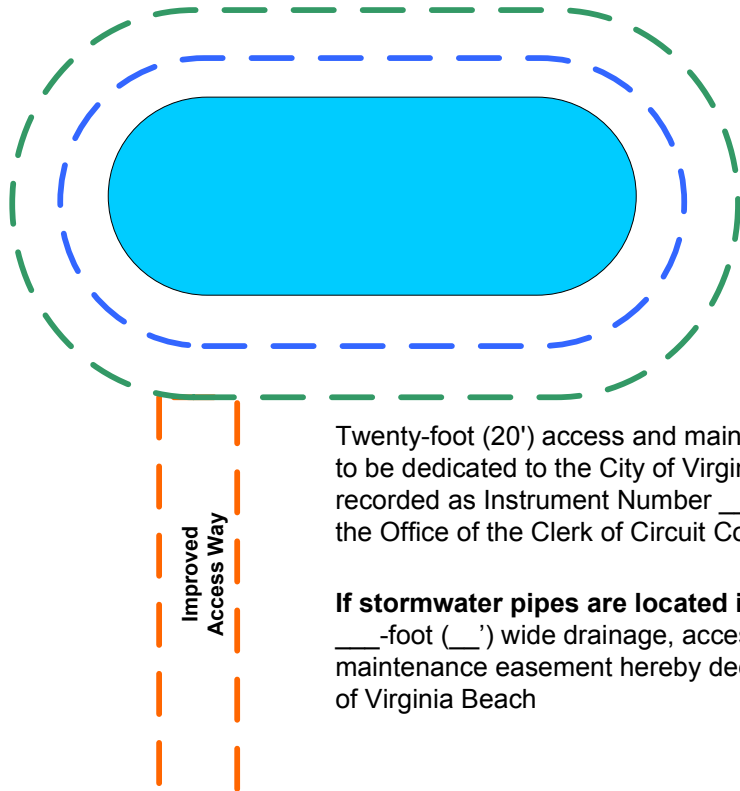
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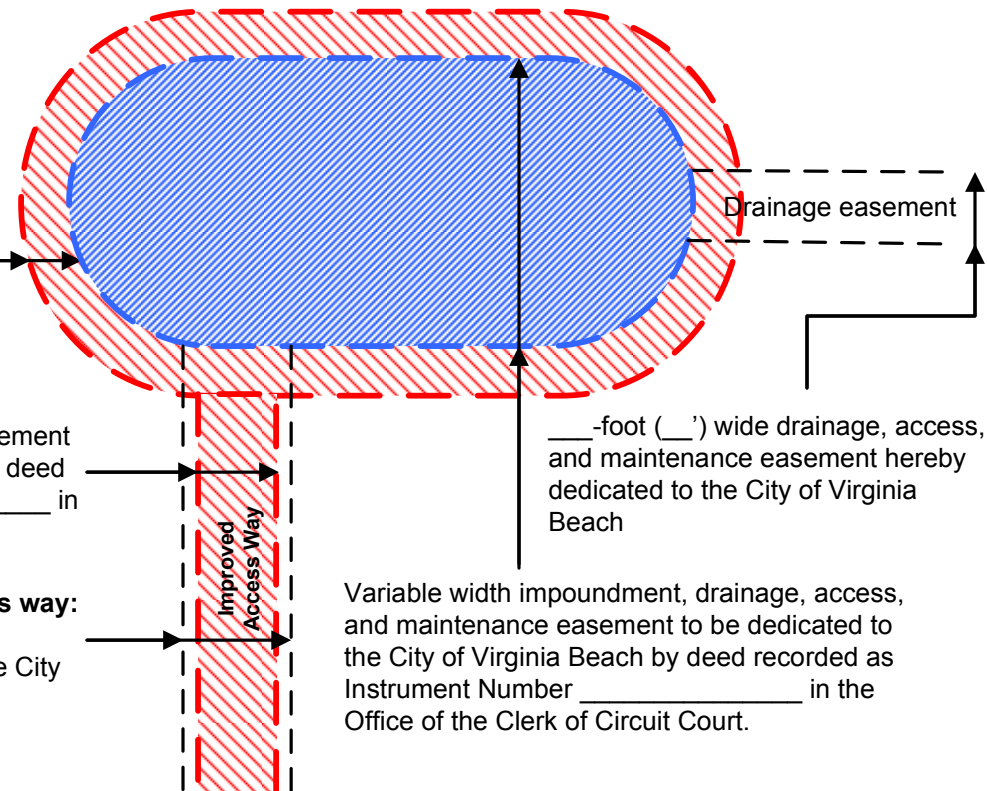
# Current SWMF\* Easements



Twenty-foot (20') access and maintenance easement to be dedicated to the City of Virginia Beach by deed recorded as Instrument Number \_\_\_\_\_ in the Office of the Clerk of Circuit Court.

**If stormwater pipes are located in the access way:**  
 \_\_\_-foot (\_\_) wide drainage, access, and maintenance easement hereby dedicated to the City of Virginia Beach

# New Subdivision SWMF\* Easements







\_\_\_-foot (\_\_) wide drainage, access, and maintenance easement hereby dedicated to the City of Virginia Beach



Variable width impoundment, drainage, access, and maintenance easement to be dedicated to the City of Virginia Beach by deed recorded as Instrument Number \_\_\_\_\_ in the Office of the Clerk of Circuit Court.

**Right-of-Way**

Drawing Not to Scale

**Right-of-Way**

-  Stormwater Management Facility
-  Drainage and Impoundment Easement
-  20-Foot Maintenance Easement
-  20-Foot Access Easement

-  New Impoundment, Drainage, Access, and Maintenance Easement
-  New Access and Maintenance Easement

-- New Drainage, Access, and Maintenance Easement

\***SWMF** – Stormwater Management Facility

