

Sample

DRAINAGE/ DETENTION AND NATURAL AREA EASEMENT PROVISIONS

Declarant hereby reserves and grants to the [municipality] and the [DuPage County Department of Economic Development and Planning] easements over [Lot 3] and drainage easements for purposes of providing adequate stormwater drainage control and providing a water management and “natural” area with native vegetation, together with reasonable access thereto. Said easements shall be perpetual and shall run with the land and shall be binding upon the declarant, its successors, heirs, executors and assigns. To ensure the integrity of the stormwater facilities and “natural” areas, no obstruction shall be placed, nor alterations made, including alterations in the final topographical grading plan which in any manner impede or diminish stormwater drainage or detention in, over, under, through or upon said easement areas. In the event such obstruction or alterations are found to exist, or if the property owner otherwise fails to properly maintain the stormwater facilities on [Lot 3] and drainage easements or change the character of the proposed native vegetation, the [municipality] and/or [DuPage County Department of Economic Development and Planning] shall, upon seventy-two (72) hours prior notice to the property owner (or any owner of property within the subdivision), have the right, but not the duty, to perform, or have performed in its behalf, any maintenance work to or upon the stormwater facilities and “natural” areas on [Lot 3] and drainage easements or to remove said obstruction or alterations or to perform other maintenance, repair, alteration or replacement as may reasonably be necessary to ensure that adequate stormwater storage, storm drainage, detention and retention facilities, “natural” areas and appurtenances thereto remain fully operational and that the condition of said [Lot 3] and drainage easements complies with all applicable [municipality] and [DuPage County Department of Economic Development and Planning] codes. In the event of an emergency situation, as determined by the [municipality] and/or [DuPage County Department of Economic Development and Planning], the seventy-two (72) hours prior notice requirement set forth above shall not apply and the [municipality] shall have the right, but not the duty, to proceed without notice to the property owner.

In the event the [municipality] and/or [DuPage County Department of Economic Development and Planning] shall be required to perform, or have performed on its behalf any maintenance work to or upon the stormwater facilities and/or “natural” areas on [Lot 3] and drainage easements as set forth in the declaration, or any removal or alteration as aforesaid, the cost of such work shall, upon recordation of Notice of Lien with the Recorder of Deeds of DuPage County, Illinois, constitute a lien against the assets of the property owner and against Lot 3 and drainage easements as well as each and every lot within the subdivision. In addition, the area disturbed by the said maintenance operations, shall be re-planted with the same plantings as proposed in [DuPage County EDP] Permit No. _____ .

The cost of the work incurred by the [municipality] and/or the [DuPage County Department of Economic Development and Planning] shall include all expenses and costs associated with the performance of such work including, but not limited to, reasonable engineering, consulting and attorneys' fees related to the planning and actual performance of the work.

If it is determined by the property owner that alterations to the stormwater facilities and/or "natural" areas within [Lot 3] and drainage easements are necessary to properly maintain the integrity of the stormwater facilities, the [municipality] and the [DuPage County Department of Economic Development and Planning] shall be notified by the property owner of said proposed alteration. No such alteration shall take place without the prior approval of the [municipality] and/or [DuPage County Department of Economic Development and Planning]. The [municipality] and/ or [DuPage County Department of Economic Development and Planning] may, in its direction, require the submittal of plans and specifications for [municipality] and [DuPage County Department of Economic Planning and Development] approval before said alteration may take place.