

## APPENDIX F

### RESTRICTIONS PURSUANT TO THE REQUIREMENTS OF THE KENT COUNTY DRAIN COMMISSION

- I. In accordance with Section 280.433 of the Michigan Drain Code (Act 40 of the Public Acts 1956, as amended) a special assessment drainage district has been created to provide for the maintenance of the \_\_\_\_\_ county drain. The Drainage District consists of all lots within the plat. At some time in the future, the lots within the drainage district will be subject to a special assessment for the improvement or maintenance of the \_\_\_\_\_ county drain. The drainage district boundary is shown on **Exhibit "A"** attached hereto.
- II. Private Easements for the \_\_\_\_\_ county drain have been granted to the Drainage District. The rights and obligations of said easements are recorded with the Kent County Register of Deeds office.
- III. Critical drainage and overland floodway swales have been constructed through the rear yards of Lots \_\_\_\_ through \_\_\_\_\_. The floodways have been designed to carry storm water runoff overland in an emergency situation where the storm sewer system fails or has exceeded its capacity. Critical elevations have been established with the floodways. Minimum building opening elevations have been placed a foot above these critical floodway elevations. Any alteration of the grade could cause a potential flooding hazard to the home. **The elevations established in the design of these emergency overland drainage and floodway swales must be preserved.** Any alteration of the grade shall be restored to its original condition and design elevations. The direction of surface water drainage and critical floodway elevations are shown on the grading plan, **Exhibit "B"** attached hereto.
- IV. Some of the lots in the subdivision are subject to private easements for drainage. Private easements for drainage are for the benefit of upland lots within the subdivision and any improper construction, development, or grading that occurs within these easements will interfere with the drainage rights of those upland lots. Private easements for drainage are for the continuous passage of surface drainage and each lot owner will be responsible for maintaining the surface drainage system across his property. No construction is permitted within a private easement for drainage. This includes swimming pools, sheds, garages, patios, decks or any other permanent structure or landscaping feature that may interfere with surface drainage. Further, during the final lot grading and landscaping the owner shall take care to ensure that the installation of fences, plantings, trees, and shrubs does not interfere with the surface drainage.
- V. The direction of flow for the surface drainage for all lots is shown on the grading plan and block grading plan, **Exhibit "B"** attached hereto. A more detailed grading plan is available at the Drain Commissioner's Office at 1500 Scribner, Grand Rapids, MI 49504. It is the lot owner's responsibility to ensure that the final grading of the lot is in accordance with the grading plan.
- VI. FENCES, SHRUBS AND FILLING WITHIN EASEMENTS ARE SUBJECT TO THE

FOLLOWING RESTRICTIONS WHEN LOCATED ON THE FOLLOWING EASEMENTS

Easements For Floodway/Overland Flow/Stormwater Detention

- **NO** filling, blocking, fencing, storage buildings or above surface vegetation planting is to be undertaken within a floodway/stormwater detention easement.

Easements for Overland Flow of Private Drainage

- Site screen fences are **NOT** allowed **unless prior written approval is given by the Kent County Drain Commission** and they are installed above the top of the bank or the edge of the easement, whichever is higher.
- Chain link fences will be allowed **if it is determined by the Kent County Drain Commission** and the chain link fence will not obstruct or divert the flow of water.
- If the fences are removed for drain access or maintenance, they are to be replaced by the owner of the fence at the owner's expense.
- **NO** shrubs or trees are to be placed below the top of the bank or the edge of the easement, whichever is higher.
- **NO** filling, blocking, or storage buildings are allowed within any drainage easement used for overland flow.

Easements for Underground Utilities

- Fences and pavement are allowed over easements designated for underground utilities. If the fences or pavement must be removed for the purpose of construction or maintenance of these utilities, the Kent County Drain Commission or its contractor will remove them. However, the fence or pavement must be replaced by the owner at the owner's expense.
- Shrubs and trees are not permitted within an easement used for underground utilities and storm sewer.

VII. Minimum building opening elevations for the following lots are:

LOT NUMBER

MINIMUM OPENING ELEVATION

To eliminate the potential of structural damage due to flooding and back yard surface drainage the lot owner shall keep the lowest door or window sill above the minimum opening elevations listed above. The elevations are based on N.G.V. Datum, and bench mark described as follows:

BENCH MARK (number) ELEVATION (number)

(description)

VIII. Each lot owner waives his claim against the Kent County Drain Commissioner, his employees and agents, the (*local unit of government*), and the Plator from any and all claims, damage and obligation arising from the existence or operation of the drainage system.