

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. No changes will be made in the grading of any lot areas used for drainage which would later affect surface runoff drainage patterns without the prior written consent of the Drain Commissioner for all portions of the drainage system.

- VI. Water from such sources as eave troughs and footing drains shall be directed to stormwater laterals if provided for the lots. Water from footing drains shall be discharged to the lateral via a sump pump with check valve system. No footing drains shall be directly connected by gravity to a storm sewer. If no lateral is provided, the lot owner shall discharge said water in such a manner as to not impact neighboring land or public streets. Floor drains, laundry facilities or other similar features shall not be connected to a footing drain or sump pump system discharging to stormwater laterals and the storm sewer system. Laundry facilities and sewage lift pumps must discharge into the sanitary sewage disposal system.
- VII. Each individual lot owner will be responsible for the erosion control measures necessary on their lot to keep loose soil from their construction activities out of the street, catch basins, and off of adjacent property. If any sedimentation in the street, catch basins, or adjacent lots results from construction for a particular site, it is the responsibility of that lot owner to have this cleaned up. This applies to ALL lot owners.
- VIII. FENCES, SHRUBS AND FILLING WITHIN EASEMENTS ARE SUBJECT TO THE FOLLOWING RESTRICTIONS WHEN LOCATED ON THE FOLLOWING EASEMENTS:

Easements Labeled as “Floodway” and/or “Detention”

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

Easements Labeled as “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 that 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.
- NO filling, blocking, or storage buildings are allowed within any drainage easement used for overland flow.

Easements Labeled as “Storm Sewer”

- Fences and pavement are allowed over easements designated for underground utilities, if drainage is not identified with easement.
- 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.
- NO shrubs or trees are to be placed below the top of the bank or the edge of the easement. Roots can penetrate the storm sewer and cause blockage. Trees also obstruct maintenance access.

All Easements for drainage:

- No dumping of grass clippings, leaves, brush or other refuse is allowed within a drainage easement. These items obstruct drainage, restrict flow and plug culverts. This can lead to higher maintenance costs and cause flooding situations.

IX. 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)

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