7. EASEMENTS

7.010 General

All sewers shall be constructed in easements with working room. Existing easements without working room may only be used if revised to include working room. All public sewers, storm drains and open channels shall be constructed in public rights-of-way or in easements. No permit for construction or improvement of any public sewer, drain or storm channel will be issued without the provision of suitable permanent easements. Easements required shall be acquired and submitted to the District except for recorded subdivision plats. The District shall record all easements before plans will be approved. Recording fees are paid by the Developer and not the District, for private development and municipal projects. Easement plats shall be prepared in full accordance with the District's Plan Preparation Guidelines (http://www.stlmsd.com/Contractors/PlanPrepGuide/PlanPrepGuide.asp), latest edition. The District may also require stormwater discharge easements and ponding easements where applicable.

7.020 Use of Existing Easements

Every existing easement to be used shall be shown on the plans submitted for review and approval. The information on the plans shall include the City or County book and page numbers of the recorded instrument.

All restrictive clauses as to the use of the easements, i.e. for utility purposes, storm sewers only, sanitary sewers only, etc. shall be noted on the plan adjacent to the pertinent easement. Construction of a sewer in the same easement with a water or gas main will not be approved unless the easement is of such size that the locations of the sewer and utility relative to each other comply with dimensional clearances required by the regulatory authorities.

7.030 Location of Easements

In locating easements, consideration shall be given to the property owner's interests. Undue splitting and angling across property shall be avoided. Easement locations shall be fixed by distances to known property lines or public right-of-way lines and, where necessary, by angles.

7.040 Width of Easements

The width of the easement shall be sufficient to allow proper access for maintenance of the sewer. Easement widths shall provide a two (2) feet minimum clearance between outside limit of structures to easement line with a ten (10) foot minimum width. All easements shall include additional space adjacent to the right-of-way so granted as may be required for working room.

7.050 Wording of Easements

Easements should be prepared on the District standard forms, which carry the proper wording for the easement dedication. There are various forms, some for easements on property owned by an individual or individuals, and some for corporate owners. Examples of which forms to use and how to fill them out can be found in the District’s Plan Preparation Guidelines (http://www.stlmsd.com/Contractors/PlanPrepGuide/index1.html). A sample of the cover sheet required by the Recorder’s offices can be found also. Variations in wording are acceptable only where necessary, and approved by the District. Print and original signatures and initialing shall be in black or dark blue ink. Easement Plat "Exhibit A" shall also be initialed and dated in ink by grantor(s).

7.060 Easement Plat Preparation Information Guidelines

7.060.01 Label Established Lines Affecting Tract and/or Mentioned in its Legal Description:

The following lines shall be shown, where pertinent:

1. Lot lines
2. Subdivision lines (affected, adjacent, or near)
3. Section lines (or sub-section lines)
4. U.S. Survey lines
5. Street, road, highway and alley right-of-way lines with widths

Property is to be located in relation to known corners along the above listed established lines.

7.060.02 Identify Parcel or Tract:

The following written information shall be shown, where pertinent:

1. Legal subdivision name, with Lot and Block, Plat Book and Page; if in a recorded subdivision
2. For metes and bounds described parcels, the current owner with Book and Page labeled across tract; add N/F (Now or Formerly) preceding owners' names.
3. Fully dimension owner's property (or as much as shown)
4. Show "North" arrow and scale with "North" to top or side of plat
5. Above owner's name indicate property locator number per current assessor’s records

7.060.03 Provide Accurate Title Box Information:

The following information shall be shown, where pertinent:

1. Label as "Easement Plat"
2. Describe only where easement is sought, not wherein all the owner's land lies
3. Use as applicable in St. Louis County:
   a. Subdivision name, Lot Number, Block Number, and Plat Book Number and Page Number, followed by municipality (if incorporated), followed by "St. Louis County, MO", OR
   b. Section Number (or fractional section), followed by Township and Range, followed by Municipality (if incorporated), followed by "St. Louis County, MO" OR
   c. U.S. Survey No., followed by Township and Range, followed by Municipality (if incorporated), followed by "St. Louis County, MO"
4. Within the City of St. Louis use as applicable City Block Number, Outlot Number, Subdivision Name, Lot Number (if within subdivision), Block Number, Plat Book Number, and Page Number, followed by "City of St. Louis, MO."

7.060.04 Easement Plat Drafting Guidelines

(Refer to current Plan Preparation Guidelines (http://www.msd.st-louis.mo.us/Contractors/PlanPrepGuide/index1.html) that elaborate on the following:)

1. General
a. The standard blank plat labeled "Exhibit A" is to be used in preparation of easement plats or temporary construction licenses. Mylars will not be accepted.

b. Use line weights, symbols, style, and size of lettering in uniform direction that will make an uncluttered, easy-to-read plat; i.e. show all that is necessary, but nothing extraneous.

For clarity purposes, dark blue or black lettering and lines should be used.

1. No lettering shall be smaller than (8) point print or #80 "Leroy" lettering guide, assuming easement is not to be reduced when recorded.

2. The resultant easement plat or temporary construction license should be easily understandable by property owners and portray all information necessary for a surveyor, with adequate field notes, to stake it out on the ground.

c. No title blocks of any kind, other than shown in examples, shall be used.

d. At the top left hand corner, outside of plat border, indicate the District's exact project name and reference number as appropriate.

e. In the bottom left hand corner outside of the plat border, indicate the date of the most recent version of the Easement Plat.

2. Show complete location and alignment of Easement required with:

a. Distances along intersected property line to nearest property corners

b. Bearing (or angle) and distance for each course of easement across property

c. All calculated and set distances are to be to the nearest hundredth of a foot and bearings to the nearest second

d. Indicate easement width(s), and information so that a metes and bounds description for the easement could be written and the area calculated. Show existing easements and indicate appropriate Deed Book and Page, or Plat Book and Page

e. Show only pertinent information. Do not show items such as building lines, sewers, areas, etc.

7.070 Vacation of Easements [See Amendment 5]

The District shall consider vacating its rights within an easement or public right-of-way when it determines that the easement or right-of-way is not required for any existing or future sewer or drainage facility.

The vacation of an easement or the District's rights within a public right-of-way can only be accomplished with the approval of the Director, by the passage of an Ordinance by the District's Board of Trustees. In order to determine if the easement or right-of-way can be vacated, and to prepare the vacation document, Ordinance, the following information must be provided to the District:

1. A letter from the petitioner stating the reason or the request to vacate.

2. A legal description of the area to be vacated, prepared by a registered land surveyor, and an Easement Vacation Plat, prepared in the format outlined in Section 7.06.
If the District determines that there is no future need for the easement or right-of-way in question, a vacation document an Ordinance will be prepared for consideration and adoption by the Board of Trustees.

If the easement to be vacated is part of a project still under review or construction, a vacation document an Ordinance will not be prepared or presented for consideration and adoption by the Board of Trustees until such time as the project has received construction approval or by special permission of the Director. The exhibit A Easement Vacation Plat however will still be reviewed as part of the Plan Review process.

In certain situations, if as-built/construction approval is being delayed, easement vacation may proceed by special approval of the Director.

Upon the Director’s approval of the vacation, passage of the Ordinance, the petitioner will be required to submit the recording fee, payable to MSD the "Recorder of Deeds" for the recording of the vacation Ordinance.

Should the District determine that it is necessary to retain its rights within the easement or public right-of-way in question; the petitioner will be notified in writing that the request has been denied.

**7.080 Easement Encroachment [See Amendment 5]**

Easement encroachments, especially for buildings or other such structures are to be strongly discouraged; are undesirable to the District for private development projects, and are an undesirable position for both future project Owners and the District to be put in. Sewer location and alignment requirements of sub section 3.020.07, 3.020.085, 4.020.06 and 4.020.07 are consistent with and intended to reduce the need for such encroachments.

The District shall consider allowing the encroachment of a structure over or onto an easement in which it has rights, only in cases when there is no reasonable way to relocate the existing sewer or drainage facility or relocate the proposed structure or other encroachment.

The District may require that the structure which would encroach over or onto an easement be constructed with a pier and grade beam foundation design, with the piers extending a minimum of 2 feet below the flowline of the sewer or drainage facility.

In some situations, casing pipe may be used. The casing pipe must be sized adequately to allow the “carrier pipe” to be properly placed within, and to accept the designed load on the casing pipe. The length of the casing pipe will extend beyond the geogrid or similar reinforcement of the modular block retaining wall. After the casing pipe is in place, the pipe within the casing pipe shall be placed on and supported by steel rails or other approved supports. Both ends of the casing pipe shall be sealed.

In addition, the District may require that the sewer or drainage facility be structurally rehabilitated before allowing such encroachment. All costs associated with this rehabilitation will be the responsibility of the petitioner.

The following information must be submitted before the District will consider an encroachment:

1. A letter of request from the petitioner stating the reason for the encroachment.

2. Three (3) sets of plans showing the existing sewer or drainage facility, the existing easement, the proposed structure, and the proposed foundation design in plan and profile relative to the sewer. The foundation design calculations must also be submitted.

Upon receipt of this information, the existing sewer will be inspected to determine its condition. Based on this inspection and a review of the plans, the District will determine if the encroachment will be allowed and what, if any, sewer rehabilitation, will be required.

If the encroachment is to be allowed, the property owner will be required to enter into an "Encroachment Agreement" with the District. The property owner will also be required to
submit a recording fee, payable to MSD the "Recorder of Deeds" for the recording of this document.

If the encroachment is denied, the petitioner will be notified in writing of this denial.

7.090 Indemnity Agreement

The District will consider entering into an Indemnity Agreement with the property developer when the developer is unable to acquire a stormwater discharge easement from the adjacent property owner, for the discharge of stormwater onto the adjacent property.

The property developer must submit the following items for the District's consideration:

1. A letter of request to enter into an Indemnity Agreement in lieu of acquiring the Stormwater Discharge Easement.
2. Adequate documentation verifying that reasonable effort was made to acquire the Stormwater Discharge Easement.
3. A site plan indicating the proposed location of the stormwater outfall structure and energy dissipater (as required). Hydraulic calculation for the energy dissipater design will be required.