

**SECTION A-1600. Easements. [Amended 6-3-2014 by Ord. No. 7034; 10-6-2020 by Ord. No. 7656]**

- A. General. All proposed plats submitted for approval under the provisions of the UDO shall allocate sufficient easement areas for features including, but not limited to, stormwater management facilities, public utilities, tree preservation, environmental conservation, pedestrian/vehicular access, landscaping, municipal facilities and wetland/wetland buffers, wherever necessary.
1. All easements and corresponding utility location plans shall be approved prior to the approval of the plat.
  2. For features required to be in an easement but not required to be within common area, maintenance shall generally be the responsibility of the lot owner, except as expressly provided otherwise in this Unified Development Ordinance or in the development approval.
  3. A grant of authority to the City to enter upon an easement for purposes of inspection, maintenance and/or repair of a feature within the easement shall not be construed as relieving the owner or owners of such responsibility.
- B. Recording of easements. All necessary easements and easement provisions shall be clearly identified on final plats and shall be recorded with the McHenry County Recorder's Office by the owner as a condition of approval prior to permit issuance.
- C. Existing easements. All proposed plats shall clearly identify any existing easements on the property, including dimensions, bearings, and recorded instrument numbers.
- D. Easement types. Unless specifically defined on an approved plat or by condition of plat approval, the following requirements shall apply to these easements:
1. Municipal utility easement (MUE).
    - a. Shall be required for any publicly owned and maintained sanitary sewer, water, and/or storm sewer facilities, including all fire hydrants and associated fire service lines.
    - b. Grants the City exclusive access to install, operate, maintain, relocate, renew and remove sanitary sewer, water, and/or storm sewer facilities together with the right to cut, trim, or remove trees, bushes, and roots as may be reasonably required to maintain or access such facilities.
    - c. Shall prohibit encroachment by other utilities, unless such encroachment is approved by the Director of Public Works (or designee) in conjunction with the preliminary plat or consists of a perpendicular crossings of the municipal utility easement. Upon written permission from the Director of Public Works (or designee), encroachments may be permitted after the recording of the final plat.
    - d. Shall prohibit the installation, construction, placement or planting of any structures, buildings, fences, walls, patios, posts, trees, plants or shrubbery within the easement. Grass or City-approved plantings are allowed.

- e. Shall prohibit the altering, modification, or change in any way the topography or elevations without approval from the City.
  - f. Allows the placement of pavement or any other approved surface within the easement.
  - g. Shall be exclusive of any other blanket easement on the property.
  - h. Shall be at least 20 feet in width if the easement is not immediately accessible from a public right-of-way. Municipal utility easements that are immediately adjacent to a public right-of-way may be reduced to 15 feet in width with the approval of the Director of Public Works (or designee).
  - i. Shall provide that the owner of the lot, property owners' association or other party accepting title to all or any part of the easement is responsible for the maintenance of the surface of that portion of the easement which is located on such party's property. Maintenance shall include, but shall not be limited to, the regular seeding, watering and mowing of all lawns.
  - j. Shall provide that the owner of the lot, property owners' association or other party accepting title to all or any part of the easement is completely responsible for landscape and/or paving restoration, should maintenance of the utility be required.
2. Public utility easement (PUE).
- a. Shall allow both private and public utility providers access associated with the installation, maintenance, repair, or removal of utility facilities.
  - b. Shall prohibit the installation, construction, placement or planting of any structures, buildings, walls, patios, posts, trees, plants or shrubbery within the easement. Grass or City-approved plantings are allowed.
  - c. Shall allow the location of fences and plant material in the easement, subject to written approval of the applicable utility company.
  - d. Shall only perpendicularly cross Municipal Utility Easements.
3. Drainage easement (DE).
- a. Shall be required for any surface swales required for the stormwater management system to function.
  - b. Shall prohibit any alteration within the easement that would hinder or redirect flow.
  - c. Shall prohibit the installation, construction, placement or planting of any structures, buildings, walls, patios, posts, trees, plants or shrubbery within the easement. Grass or City-approved plantings are allowed.
  - d. Shall allow the location of fences in the easement, subject to permit approval by the City.

- e. Shall provide that the owner of the lot, property owners' association or other party accepting title to all or any part of the easement is responsible for maintenance of the drainage features within such easement so that it is in good and functional condition for its intended purpose as a stormwater drainage facility. Maintenance shall include, but shall not be limited to, the regular seeding, watering and mowing of all lawns and removal of all obstructions.
  - f. Shall be enforceable by the City on behalf of owners of properties that are adversely affected by conditions within the easement.
  - g. Shall prohibit the altering, modification, or change in any way the topography or elevations without approval from the City.
4. Stormwater management easement (SME).
- a. Shall be required for all components of the stormwater management system. It may also be required for existing residential properties located within the Crystal Lake Watershed as required by the City Engineer.
  - b. Shall provide that the owner of the lot, property owners' association or other party accepting title to all or any part of the easement is responsible for maintenance of the stormwater management system (including but not limited to basins, pipes, structures and overland flood routes) within such easement so that it is in good and functional condition for its intended purpose as a stormwater management system. Maintenance shall include, but shall not be limited to, the regular seeding, watering and mowing of all lawns, removal of all obstructions and keeping all surface openings of the drainage pipes underlying the easement free of all grass clippings, leaves, or other related or foreign materials.
  - c. Shall prohibit the installation, construction, placement or planting of any structures, buildings, fences, walls, posts, trees, plants or shrubbery within the easement. Grass or City-approved plantings are allowed.
  - d. Shall prohibit any alteration, modification or obstruction within the easement that would hinder or redirect drainage flow or change in any way the topography or elevations of the easement.
  - e. Shall be enforceable by the City on behalf of owners of properties that are adversely affected by conditions within the easement.
  - f. Shall allow the City, upon five days' notice to the owner of the lot, property owners' association or party accepting title served by certified mail, to enter upon the easement for the purpose of maintenance and to charge the costs of such maintenance to the owner of the lot, property owners' association or party accepting title at its discretion.
  - g. Shall allow the City to enter upon the easement for the purpose of emergency repairs, to charge the costs of such repairs to the owner of the lot, property owners' association or party accepting title, to construct drainage facilities within the easement, and to assume temporary responsibility for the drainage features at its discretion.

- h. The City may, at its sole election, record notice of lien with the Recorder of Deeds for McHenry County as described above against the subject real property for the costs of unpaid maintenance or emergency repairs conducted by the City. Said lien shall include the applicable expense to the owner of the lot, property owners' association or party accepting title plus attorney's fees and court costs. Upon payment of said lien, the City shall issue the appropriate release of lien to the owner of the lot, property owners' association or party accepting title. It shall not be the obligation of the City to record the release of the lien but shall be the obligation of the party procuring the release.
5. Conservation easement (CE).
- a. Prohibits any land-disturbing activities, or alteration of any vegetative cover, including mowing, within the easement area.
- b. Allows the removal of dead and diseased trees that pose a safety risk or impede drainage, only after first obtaining written approval from the Community Development Department. Normal maintenance activities for wetlands or wetland buffers, as outlined in a maintenance plan approved by the City Engineer and in accordance with the Crystal Lake Stormwater Ordinance,<sup>24</sup> are permitted.
- c. All conservation easements shall be identified with signs located along the boundary of the easement. Signs shall be placed at intervals of no more than 200 feet, and each sign shall be a maximum of 1.5 square feet in area. A minimum of one sign is required, regardless of easement size.
- d. Conservation easements shall be required on the final plat for the following environmental features:
- (i) Excessive slopes: All areas with a slope 2:1 (H:V) or greater.
- (ii) Riparian buffers: Riparian buffer areas as defined in the Crystal Lake Stormwater Ordinance.<sup>25</sup>
- (iii) Floodplains: All areas within designated floodways and regulatory floodplains as defined in the Crystal Lake Stormwater Ordinance.<sup>26</sup>
- (iv) Native Vegetation/Wetlands: All delineated wetlands and required wetland buffer areas as defined in the Crystal Lake Stormwater Ordinance.<sup>27</sup>
- (v) Trees and forested areas: All trees required to be preserved by Section 4-300, Tree preservation.
6. Access easement (AE).

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24. Editor's Note: See Ch. 595, Stormwater Management.

25. Editor's Note: See Ch. 595, Stormwater Management.

26. Editor's Note: See Ch. 595, Stormwater Management.

27. Editor's Note: See Ch. 595, Stormwater Management.

- a. Shall be required for shared, joint or cross access as required by the Access Management Ordinance or to facilitate pedestrian connections between private properties.
  - b. Grants the general public the right to access the easement for purposes of driving, walking, running, bicycling, skating, or utilizing certain classes of nonmotorized vehicles.
  - c. Prohibits the placement of any obstruction within the easement that would otherwise prevent the public from accessing this easement.
7. Landscape easement (LE).
- a. Shall be required for landscaping in common areas that is maintained by the property owners' association or other responsible party.
  - b. Shall provide that the property owners' association or other party accepting title or maintenance obligations to all or any part of the easement is responsible for maintenance of the landscaping as indicated on the plat of subdivision in a manner consistent with the landscape plan approved by the City of Crystal Lake. Maintenance shall include, but shall not be limited to, the watering of plantings and lawns, removal of weeds, leaves or other foreign material and the mowing of lawns.
  - c. No individual lot fences are permitted in the landscape easements.
8. Watershed Stormwater Management Easement (WSME).
- a. Shall be required for new stormwater management systems located within the Crystal Lake Watershed.
  - b. The "Crystal Lake Watershed Stormwater Management Facilities Non-Residential Maintenance Plan, Grant of Easement and Funding Agreement" shall also be applicable as directed by the City Engineer.
9. Wetland and Wetland Buffer Easement (WE).
- a. Shall be required as outlined in Chapter 595 of the City Code.
  - b. Shall prohibit the installation, construction, placement or planting of any structures, buildings, walls, patios, posts, trees, plants or shrubbery within the easement. Grass or City-approved plantings are allowed.
  - c. Shall prohibit any alteration, modification or obstruction within the easement that would hinder or redirect drainage flow or change in any way the topography or elevations of the easement.
  - d. Shall be enforceable by the City on behalf of owners of properties that are adversely affected by conditions within the easement.
  - e. Shall allow the City, upon five days' notice to the owner of the lot, property owners' association or party accepting title served by certified mail, to enter upon the easement for the purpose of maintenance and to charge the costs of

such maintenance to the owner of the lot, property owners' association or party accepting title at its discretion.

- f. Shall allow the City to enter upon the easement for the purpose of emergency repairs, to charge the costs of such repairs to the owner of the lot, property owners' association or party accepting title, to construct drainage facilities within the easement, and to assume temporary responsibility for the drainage features at its discretion.
- g. The City may, at its sole election, record notice of lien with the Recorder of Deeds for McHenry County as described above against the subject real property for the costs of unpaid maintenance or emergency repairs conducted by the City. Said lien shall include the applicable expense to the owner of the lot, property owners' association or party accepting title plus attorney's fees and court costs. Upon payment of said lien, the City shall issue the appropriate release of lien to the owner of the lot, property owners' association or party accepting title. It shall not be the obligation of the City to record the release of the lien but shall be the obligation of the party procuring the release.

10. Other. Other easements may be required by the City Council to preserve features or functions unique to a given property and shall be defined on the recorded plat.

E. Common areas.

- 1. In addition to easements required by this section, the following environmental features shall be placed within common (outlot) areas on the plat:
  - i. Riparian buffers.
  - ii. Floodways.
  - iii. Wetlands and wetland buffers: All delineated wetlands and required wetland buffer areas as defined in the Crystal Lake Stormwater Ordinance.<sup>28</sup>
  - iv. Forested areas: All contiguous areas of tree cover totaling one acre or greater that are required to be preserved by Section 4-300, Tree preservation.
  - v. Stormwater management systems: Engineered and built drainage or water quality treatment improvements, including but not limited to detention and retention facilities, for subdivisions shall be contained within common areas. Such improvements shall be constructed and maintained according to the requirements of the Crystal Lake Stormwater Ordinance.<sup>29</sup>
- 2. Access. All common areas required by this section shall be provided with an access easement that connects the common area with a public right-of-way. The access easement shall be a minimum of 15 feet in width.

- F. Access. All common areas required by this section shall be provided with an access easement that connects the common area with a public right-of-way. The access easement shall be a minimum of 15 feet in width.

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28. Editor's Note: See Ch. 595, Stormwater Management.

29. Editor's Note: See Ch. 595, Stormwater Management.

<b>Summary of Easements</b>				
<b>Easement Type</b>		<b>Width</b>	<b>Typical Maintenance By</b>	<b>Fences Permitted?</b>
Municipal Utility Easement	MUE	Minimum 20 feet	City	No
Public Utility Easement	PUE	Varies	Utility Company	Yes (utility company approval needed)
Drainage Easement	DE	Varies	Property Owner	Yes (City approval)
Stormwater Management Easement	SME	Varies	Property Owners' Association	No
Conservancy Easement	CE	Varies	Property Owners' Association	Yes (City approval)
Access Easement	AE	Varies (minimum 15 feet)	Property Owner	No
Landscape Easement	LE	Varies	Property Owners' Association	No

