

HOUSE BILL 1479

L2, N1

0lr2217

By: **Calvert County Delegation**

Introduced and read first time: February 7, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Calvert County – Subdivision Plats – Stormwater Management Easements**

3 FOR the purpose of requiring, in Calvert County, that certain subdivision plats be prepared
4 and endorsed by certain individuals in a certain manner; requiring certain
5 subdivision plats or deeds of dedication to include a certain statement that is signed
6 and acknowledged in a certain manner; authorizing the filing, recording, and
7 indexing of certain subdivision plats in a certain manner; establishing that
8 recordation of a certain subdivision plat operates as a transfer of a certain easement
9 to the Board of County Commissioners of Calvert County for certain purposes;
10 requiring certain grantors to construct or cause to be constructed certain stormwater
11 management facilities, structures, and devices and to provide for the maintenance of
12 certain stormwater management facilities, structures, and devices; authorizing
13 certain grantors to levy certain assessments against certain landowners under
14 certain circumstances; authorizing Calvert County to enter certain subdivisions,
15 perform certain work, and assess certain costs in certain circumstances; defining a
16 certain term; providing for the construction of certain provisions of law; and
17 generally relating to stormwater management in subdivisions in Calvert County.

18 BY adding to

19 The Public Local Laws of Calvert County

20 Section 15–501 and 15–502 to be under the new subtitle “Subtitle 5. Stormwater
21 Management Easements”

22 Article 5 – Public Local Laws of Maryland

23 (2002 Edition and July 2019 Supplement, as amended)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
25 That the Laws of Maryland read as follows:

26 **Article 5 – Calvert County**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SUBTITLE 5. STORMWATER MANAGEMENT EASEMENTS.

15-501.

IN THIS SUBTITLE, "GRANTOR" MEANS AN OWNER, PROPRIETOR, MORTGAGEE, OR TRUSTEE OF LAND BEING SUBDIVIDED THAT GRANTS AN EASEMENT TO THE COMMISSIONERS OF CALVERT COUNTY FOR STORMWATER MANAGEMENT PURPOSES IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE.

15-502.

(A) (1) A SUBDIVISION PLAT THAT IS INTENDED TO BE RECORDED SHALL BE PREPARED BY A CERTIFIED PROFESSIONAL ENGINEER OR LAND SURVEYOR, WHO SHALL ENDORSE ON THE PLAT A SIGNED CERTIFICATE STATING:

(I) THE SOURCE OF TITLE OF THE OWNER OF THE LAND BEING SUBDIVIDED; AND

(II) THE PLACE OF RECORD OF THE LAST INSTRUMENT IN THE CHAIN OF TITLE.

(2) IF THERE IS MORE THAN ONE SOURCE OF TITLE FOR THE LAND BEING SUBDIVIDED, THE OUTLINE OF THE TRACT FROM EACH SOURCE OF TITLE SHALL BE INDICATED ON THE PLAT.

(3) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO PROHIBIT THE PREPARATION OF A PRELIMINARY STUDY, PLAN, PLAT, OR PROPOSED SUBDIVISION BY:

(I) THE OWNER OF THE LAND;

(II) A COUNTY PLANNER;

(III) A LAND PLANNER;

(IV) AN ARCHITECT;

(V) A LANDSCAPE ARCHITECT; OR

(VI) ANY OTHER PERSON HAVING TRAINING OR EXPERIENCE IN SUBDIVISION PLANNING OR DESIGN.

(B) (1) IN ADDITION TO THE CERTIFICATE REQUIRED UNDER SUBSECTION (A)(1) OF THIS SECTION, EACH SUBDIVISION PLAT OR DEED OF DEDICATION TO WHICH A PLAT IS ATTACHED, SHALL INCLUDE A SIGNED STATEMENT IN SUBSTANTIALLY THE SAME FORM AS THE FOLLOWING:

“THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND (INSERT A CORRECT DESCRIPTION OF THE LAND SUBDIVIDED) IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS, MORTGAGEES, OR TRUSTEES. FURTHERMORE, THE UNDERSIGNED (THE “GRANTORS”) GRANT THE COMMISSIONERS OF CALVERT COUNTY AND THEIR OFFICERS, AGENTS, EMPLOYEES, CONTRACTORS, AND SUBCONTRACTORS, A PERPETUAL EASEMENT ACROSS THE SUBDIVIDED LAND TO ACCESS AND INSPECT, AND, IF NECESSARY, MAINTAIN, REPAIR, CONSTRUCT, OR RECONSTRUCT STORMWATER MANAGEMENT FACILITIES, STRUCTURES, AND DEVICES WITHIN THIS SUBDIVISION.”

(2) THE STATEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SIGNED BY THE GRANTORS AND DULY ACKNOWLEDGED BEFORE AN OFFICER AUTHORIZED TO TAKE ACKNOWLEDGMENT OF DEEDS.

(3) AN APPROVED PLAT THAT IS EXECUTED, ACKNOWLEDGED, AND IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION, MAY BE FILED WITH AND RECORDED BY THE CLERK OF THE CIRCUIT COURT AND INDEXED IN THE GENERAL INDEX TO DEEDS UNDER:

(I) THE NAMES OF THE OWNERS OF THE LAND BEING SUBDIVIDED THAT HAVE SIGNED THE STATEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) THE NAME OF THE SUBDIVISION.

(C) THE RECORDATION OF THE SUBDIVISION PLAT SHALL OPERATE TO TRANSFER, IN FEE SIMPLE, TO THE BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY AN EASEMENT FROM EVERY PUBLIC WAY, ROAD, AND DEDICATION TO ALL STORMWATER MANAGEMENT FACILITIES, STRUCTURES, AND DEVICES WITHIN THE SUBDIVISION FOR ANY PUBLIC PURPOSE, INCLUDING INSPECTION AND, IF NECESSARY, MAINTENANCE, REPAIR, CONSTRUCTION, OR RECONSTRUCTION OF STORMWATER MANAGEMENT FACILITIES, STRUCTURES, AND DEVICES WITHIN THE SUBDIVISION.

(D) NOTWITHSTANDING AN EASEMENT GRANTED UNDER SUBSECTION (B) OF THIS SECTION, A GRANTOR OF THE EASEMENT SHALL:

(1) CONSTRUCT, OR CAUSE TO BE CONSTRUCTED, ALL REQUIRED STORMWATER MANAGEMENT FACILITIES, STRUCTURES, AND DEVICES WITHIN THE SUBDIVISION; AND

(2) PROVIDE FOR THE MAINTENANCE OF ALL STORMWATER MANAGEMENT FACILITIES, STRUCTURES, AND DEVICES WITHIN THE SUBDIVISION TO ENSURE THOSE FACILITIES, STRUCTURES, AND DEVICES REMAIN IN PROPER WORKING CONDITION IN ACCORDANCE WITH:

(I) THE APPROVED SITE DEVELOPMENT PLAN;

(II) THE APPROVED DESIGN STANDARDS; AND

(III) ALL APPLICABLE LAWS, RULES, AND REGULATIONS.

(3) IF NECESSARY, AND TO THE EXTENT AUTHORIZED BY LAW, A GRANTOR MAY LEVY REGULAR OR SPECIAL ASSESSMENTS AGAINST THE LANDOWNERS SERVED BY ANY STORMWATER MANAGEMENT FACILITY, STRUCTURE, OR DEVICE WITHIN THE SUBDIVISION TO ENSURE THE FACILITY, STRUCTURE, OR DEVICE IS PROPERLY MAINTAINED.

(E) IF A GRANTOR FAILS TO CONSTRUCT, REPAIR, MAINTAIN, OR OPERATE ANY STORMWATER MANAGEMENT FACILITY, STRUCTURE, OR DEVICE IN ACCORDANCE WITH AN APPROVED SITE DEVELOPMENT PLAN, APPROVED DESIGN STANDARDS, OR ANY APPLICABLE LAW, RULE, OR REGULATION, THE COUNTY MAY:

(1) ENTER AND PERFORM ALL NECESSARY CONSTRUCTION, REPAIR, MAINTENANCE, OR OPERATING WORK; AND

(2) ASSESS THE GRANTOR FOR THE COST OF ANY WORK PERFORMED.

(F) RECORDATION OF A SUBDIVISION PLAT MAY NOT BE CONSIDERED ACCEPTANCE BY THE COUNTY OF ANY STREET, ROAD, OR OTHER PUBLIC PLACE SHOWN ON THE PLAT FOR MAINTENANCE, REPAIR, OR OPERATION.

(G) THE PROVISIONS OF THIS SUBTITLE MAY NOT BE CONSTRUED TO AFFECT ANY RIGHT OF A SUBDIVIDER OF LAND HERETOFORE VALIDLY RESERVED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.