

SAMPLE

**DETENTION BASIN EASEMENT**

NAME OF PLAT

THIS INDENTURE, entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by DEVELOPER, a Michigan Corporation, (hereafter referred to as the "Grantor"), and the NAME OF PLAT Drainage District, a public body corporate, P.O. Box 885, 306 South North Street, White Cloud, MI 49349 (hereafter referred to as the "District").

WITNESSETH:

WHEREAS, the Grantor is developing certain property located in the CITY or TWP, County of Newaygo , to be known as NAME OF PLAT, and

WHEREAS, the Grantor, in order to develop said property in the manner it desires, finds it necessary to construct a storm water detention basin for the benefit of the property and to give the District certain easement rights therein.

NOW THEREFORE, in consideration of the respective convents contained herein, the parties agree as follows:

1. In consideration of less than one hundred dollars (\$100.00), the receipt of which is hereby acknowledged, the Grantor does hereby grant, warrant and convey to the District, an easement for storm water detention over, across and within the following described land in the CITY or TWP, County of Newaygo , State of Michigan, described as follows:

LEGAL DESCRIPTION of STORM WATER DETENTION EASEMENT

2. The Grantor agrees for itself, its heirs, administrators, successors, and assigns, that it shall be the property owner's responsibility to maintain the easement area grounds including the removal of debris in such a manner that the proper functioning of the detention basin is not interfered with, and that the property owner will not make any changes in size, shape, capacity, rate of flow, rate of outflow, or changes in any other characteristics of the detention pond without the prior written approval of the District, which approval can only be given by the way of amendment to this instrument, properly recorded.
3. The drainage District shall be responsible for the maintenance and control of the hydraulic functioning of the detention basin pursuant to MPA 40, DRAIN CODE OF 1956, as amended, or successor statute. Cost for maintenance by the NAME OF PLAT DISTRICT may be charged against the property owners within the plat pursuant to MPA 40, DRAIN CODE OF 1956, as amended, or its successor statute. The property owner on whose parcel the easement rests is responsible for the turf maintenance.
4. The Grantor, it's heirs, administrators, successors, and assigns, shall save and hold the District, it's officers, employees, and agents harmless and indemnify the District against any claim or suit which seeks damages for an injury, death, or damage resulting from the construction, operation, and existence of the detention pond.
5. The District agrees to maintain the detention basin outlet in accordance with the provisions under MPA 40, Drain Code of 1956, as amended. It is further understood that a provision of these statutes allow the District to specially assess the property owners in the plat if it so chooses.

