

## HURON COUNTY DRAIN COMMISSION

### PERMITTING INFORMATION

Any proposed work that requires crossing, connecting to, or otherwise constructing within the Right-of-Way (ROW, also referred to as a 'drain easement') of a county drain, a permit application must be completed and submitted to the office of the Huron County Drain Commission (HCDC). The standard permit application form is located on the HCDC website.

**Encroachment** of a drain is when a property owner's proposed construction places a permanent structure within the drain ROW. Common examples of an encroachment include, but are not limited to, the following:

- Driveways or Access Drives
- Fencing
- Accessory Buildings
- Decorative Landscaping
- Signs
- Pools

In addition to completing the permit application, property owners proposing an encroachment will be required to enter into a license agreement with the HCDC that will be recorded at the Huron County Register of Deeds. Terms of the license agreement typically include, but are not limited to, the following:

- Any increased cost to perform future maintenance of the drain due to the encroachment will be borne by the property owner.
- Any cost to correct and/or restore damage to the drain or drainage easement area as a result of the encroachment is to be borne by the property owner.
- The drainage district will not be responsible for any damage, for any reason, to the encroachment.
- The drainage district maintains the right to deposit spoils within the drain easement.
- Property owner (and developer, if applicable) agree to indemnify and hold harmless the drainage district against any and all claims or liability whatsoever for injuries or damages allegedly sustained by any person or business as a result of, or in way related to, the construction, occupation, and use of the drain easement by the property owner (or developer) or its invitees, including payment of actual attorneys and engineering fees incurred by the drainage district in defense of a claim. The property owner recognizes and acknowledges that they are solely liable and responsible for all potential violations of local, state, and federal laws relating to the encroachment.
- Any costs that require alterations to the encroachment as a result of maintenance or improvement to the drains or drain easement area will be borne by the property owner.
- In addition to the above, costs incurred by the drainage district for engineering, legal, and recording of documents are to be paid by the property owner. Any payments not made within 30 days of invoicing for these costs will be assessed to the property owner.

**Enclosure** of a drain is when a property owner proposes to place a tile or drainage pipe to convey flow of an established county drain so that the area, or portion of the area, may be covered with earth. Similar to an encroachment, the enclosure of a drain will require the property owner to enter into a license agreement with the HCDC. The terms of enclosure agreements will be similar to the above terms but will be specific to the particular drain and location in question.

**Relocation** of a drain is when a property owner proposes to move an established drain. This is typically done to make more efficient use of agricultural property or a development. Drain relocation will also require the property owner to enter into a license agreement with the HCDC.

### **Fees**

Depending on the circumstances of any of the above proposed work, the HCDC may require a deposit of funds **prior to performing any work** to cover the following items:

- Engineering Design
- Surveying
- Attorney Fees
- Construction Inspection
- Construction Costs

The HCDC reserves the right to determine site-specific requirements other than the above based on circumstances of any proposed work.