

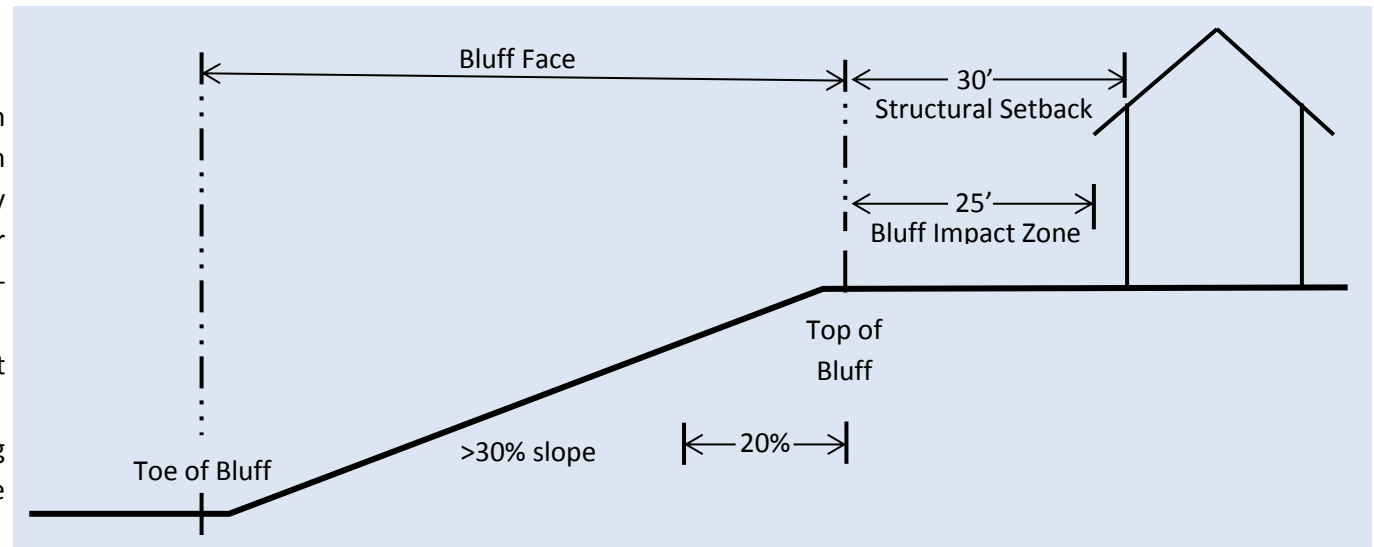
Easement and Bluff Encroachment Informational Handout

Easement Information

An **easement** is a grant by a property owner for the use of a strip of land and for the purpose of constructing and maintaining drives, roadways, walkways, bicycle trails, utilities, including, but not limited to wetlands, ponding areas, sanitary sewers, water mains, electric lines, telephone lines, storm water drainage ways, gas lines, pipelines, and cable television lines.

Bluff Information

- A **bluff** is a topographic feature such as a hill, cliff, or embankment in which the average grade of any portion of the slope is 30 percent or greater and there is at least a 25-foot rise in elevation.
- The **bluff** impact zone is a 25-foot zone from the top of a bluff.
- The **bluff face** is the land lying between the top of the bluff and the toe of the bluff.
- The **toe of the bluff** is the lower point of a bluff where there is, as visually observed, a clearly identifiable break in slope. If no break is apparent, the toe of the bluff shall be the lower point of a fifty (50) foot segment that exceeds twenty (20) percent slope.
- The **top of the bluff** is the point on a bluff where there is, as visually observed, a clearly identifiable break in slope, from steeper to gentler slope above. If no break in slope is apparent, the top of the bluff shall be determined as the highest end of a fifty (50) foot segment that exceeds twenty (20) percent slope.



Easement and Bluff Encroachment Requirements

The erection and/or placement of any structure in an easement or bluff setback require an Easement and Bluff Encroachment Permit submitted to the City, along with the building/zoning permit. City staff will consider factors such as the type and use of the easement, location and stability of the bluff, erosion and sediment control, resulting drainage patterns, and the type and use of the proposed structure when making a decision. An Easement and Bluff Encroachment Permit must be signed by the property owner and approved by the City prior to the zoning/building permit being issued.

The following structures may be allowed in easements and the bluff setback with approval of an Easement and Bluff Encroachment Permit provided they could be easily moved or removed as determined by city staff:

- 1. Accessory structures 120 square feet or less (without permanent foundations)***
- 2. Retaining walls for landscaping (provided drainage patterns are not affected).***
- 3. Fences (provided drainage patterns are not affected).***
- 4. Above ground, non-permanent swimming pools.***

If, for any reason, the City or other authorized agency needs to perform work in an easement, the property owner must remove, at their expense, any structure or landscaping located within the easement within 30 days of being notified. If the items are not removed by the property owner within the time specified in the notice, or if an emergency situation exists, representatives of the City may remove these items and may charge the property owner for any removal and restoration expenses incurred. If the removal and restoration expenses remain unpaid, the City Council may assess the property.

If private utilities such as cable, gas, electric or telephone are located within the public easement, the City will notify the affected utility company of the structure proposed to be located in the easement prior to the City issuing a permit.

The City or any other authorized agency is not liable for repair or replacement of any structure or landscaping in the event it is moved, damaged or destroyed by virtue of the lawful use of the easement and bluff setback.

All permits received for encroachment of the bluff setback will be sent to Scott County WMO for review prior to approval of the request. Any land disturbing activities must receive approval from the Scott County WMO.

Any approved easement and bluff encroachment permit for construction within an easement or bluff setback does not absolve a property owner of the above responsibilities and shall not be construed as an approval to violate any codes or ordinances of the City of Belle Plaine.