

<h1>POLICY MANUAL</h1>	Date Adopted: August 12, 2020
Classification: ENGINEERING OPERATIONS	Date Last Amended:
Subject: Perpetual Conveyance of Public Street Runoff Through Private Facilities	Approved By:

**I. Background:**

Accomplishment of the District’s objects and purposes, as set forth in the Fresno Metropolitan Flood Control District Act of 1955 (Section 73-7 of the California Water Code Appendix), requires the development and implementation of a Storm Drainage and Flood Control Master Plan (Master Plan). As part of this Master Plan, stormwater runoff from public streets is directed to, and collected by, the Master Plan storm drainage collection system facilities. However, when public street water is proposed to be conveyed through private facilities, a conveyance agreement is necessary to protect the public interest in the disposal of the runoff.

**II. Purpose:**

The purpose of this policy is to provide to the development industry specific guidance on the District’s requirements regarding the conveyance of public street runoff through private stormwater conveyance facilities.

**II. Policy:**

It is the policy of the District, as it relates to conveyance of public waters through private facilities, that the following shall apply:

1. The developer shall ensure the perpetual conveyance of the public street runoff and ensure maintenance of private stormwater conveyance facilities.
  - A. As part of a fully executed and recorded agreement between the District and the developer, the latter shall be required to prepare a maintenance plan for the stormwater conveyance facilities with details about the frequency of periodic maintenance and inspection procedures.
  - B. Should the developer, upon written request, fail to submit evidence of on-going maintenance, upon written request, the District may initiate a site inspection and investigation to compel the developer to comply with the provisions of the agreement and restore the conveyance facilities, if necessary. If the developer fails to maintain the conveyance facilities in a timely manner and fails to perform the obligations specified in the agreement, the District may perform all necessary work to restore the conveyance facilities at the developer’s expense. The District shall

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notify the developer of the defaults, including any amounts due to District for repairs made to the conveyance facilities.

- C. The agreement shall provide for a lien in favor of the District encumbering the property should the developer, within thirty (30) days of receiving notice of its default, fail to reimburse the District for said maintenance. The developer shall have thirty (30) days prior written notification of District’s intention to place a lien on the development. The cover or title page of agreement shall include a prominent legal warning to the developer that its obligations are covenants running with the land and are binding upon not only the developer, but also on its assigns and successors in interest with respect to the property affected by the agreement.
2. The developer will be required to dedicate a non-exclusive, perpetual conveyance easement from the initial street location at which the storm water runoff enters the private facilities for conveyance through the developer’s property to the outlet street or outlet location to which it is ultimately conveyed.
  3. Developments, for which stormwater conveyance of public waters through private facilities is required, shall demonstrate proof of compliance with this policy. The District shall withhold final approval of the project until the following documents are approved by the District Engineer-Assistant General Manager:
    - A. A fully executed and recorded Agreement for Perpetual Conveyance of Private Storm Drain Facilities. The Agreement shall be approved as to form by District General Counsel.
    - B. Fully executed and recorded non-exclusive conveyance easement and any other storm drain easements, where and if necessary.
    - C. A Drainage Report outlining the existing pre-development condition, the post-development condition, impacts of the proposed development, the reason and necessity for the storm water conveyance, the method of storm water conveyance and calculations showing the impact of that conveyance on the Master Plan system hydrology & hydraulics. The Drainage Report shall also include discussions identifying all required storm drain easements, major storm

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drainage patterns, and shall be stamped & signed by the Developer’s consultant engineer. The Drainage Report shall include a maintenance plan for the conveyance facilities with specific details about the frequency of periodic maintenance and inspection procedures.