



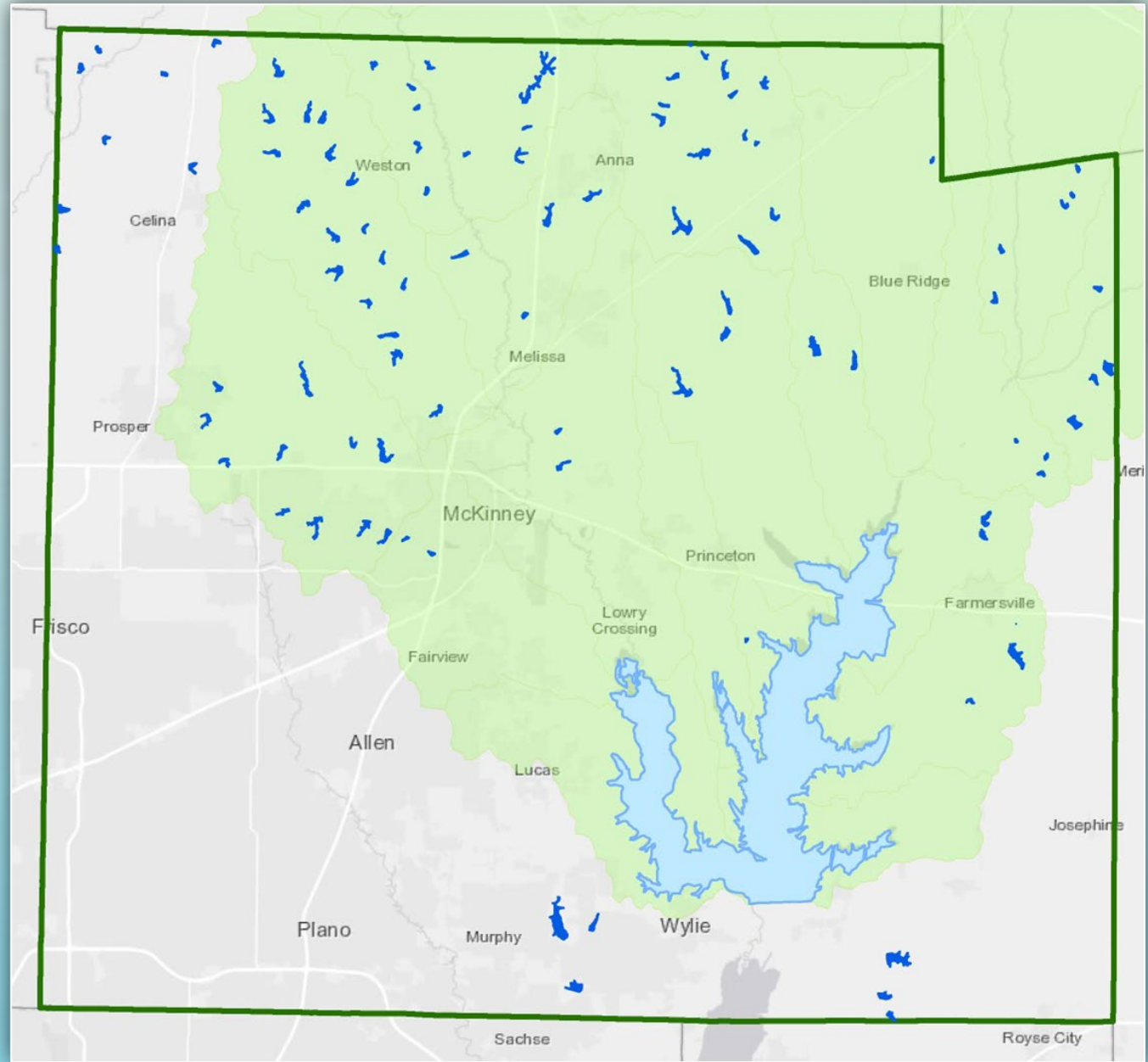
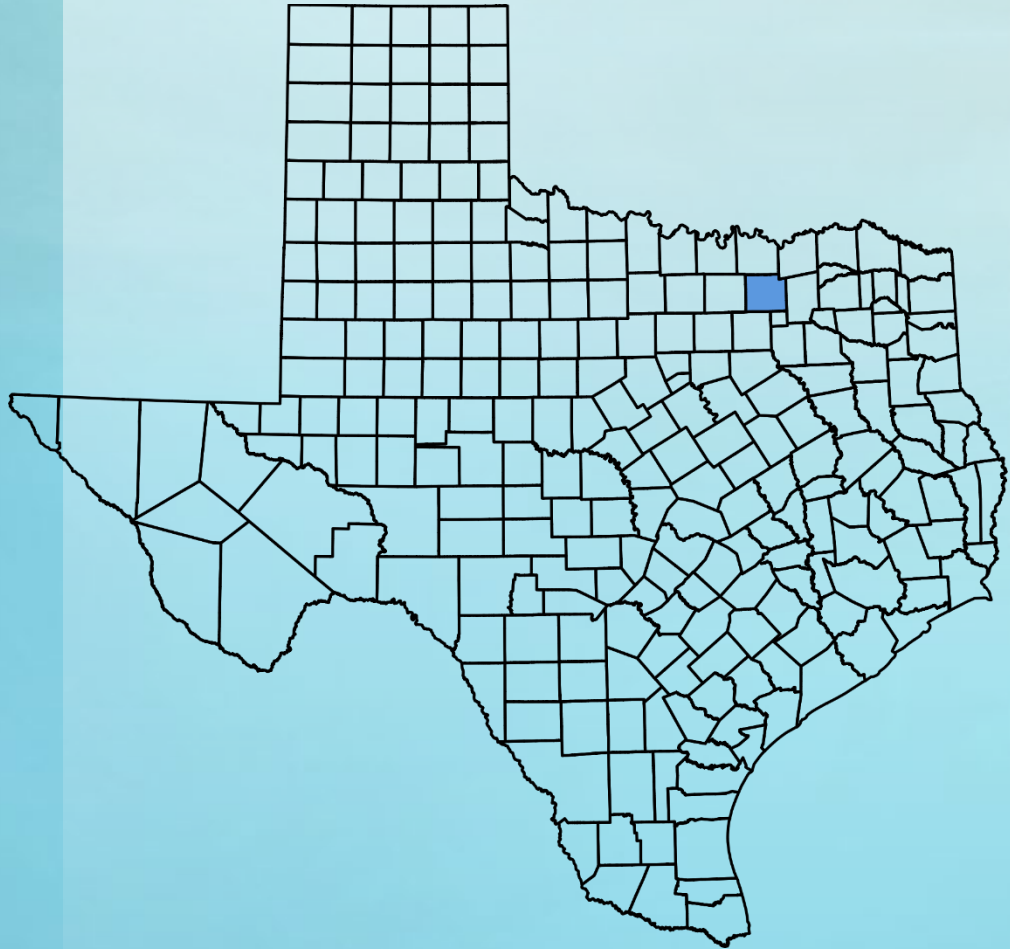
SPONSOR LAND RIGHTS

- a SWCD's Perspective

Collin County SWCD #535

Jilane Carper – Conservation Technician

COLLIN COUNTY, TX



ISSUES FACED:

- ❖ Easement Encroachment
- ❖ Erroneous easement delineations
 - Stacked easements
- ❖ Development causing changes to hazard classification
- ❖ Lack of (no) funding
- ❖ Custody of easement documents
- ❖ Easements not discovered in title searches
- ❖ Municipal Utility Districts (MUDs)

EASEMENT ENCROACHMENT



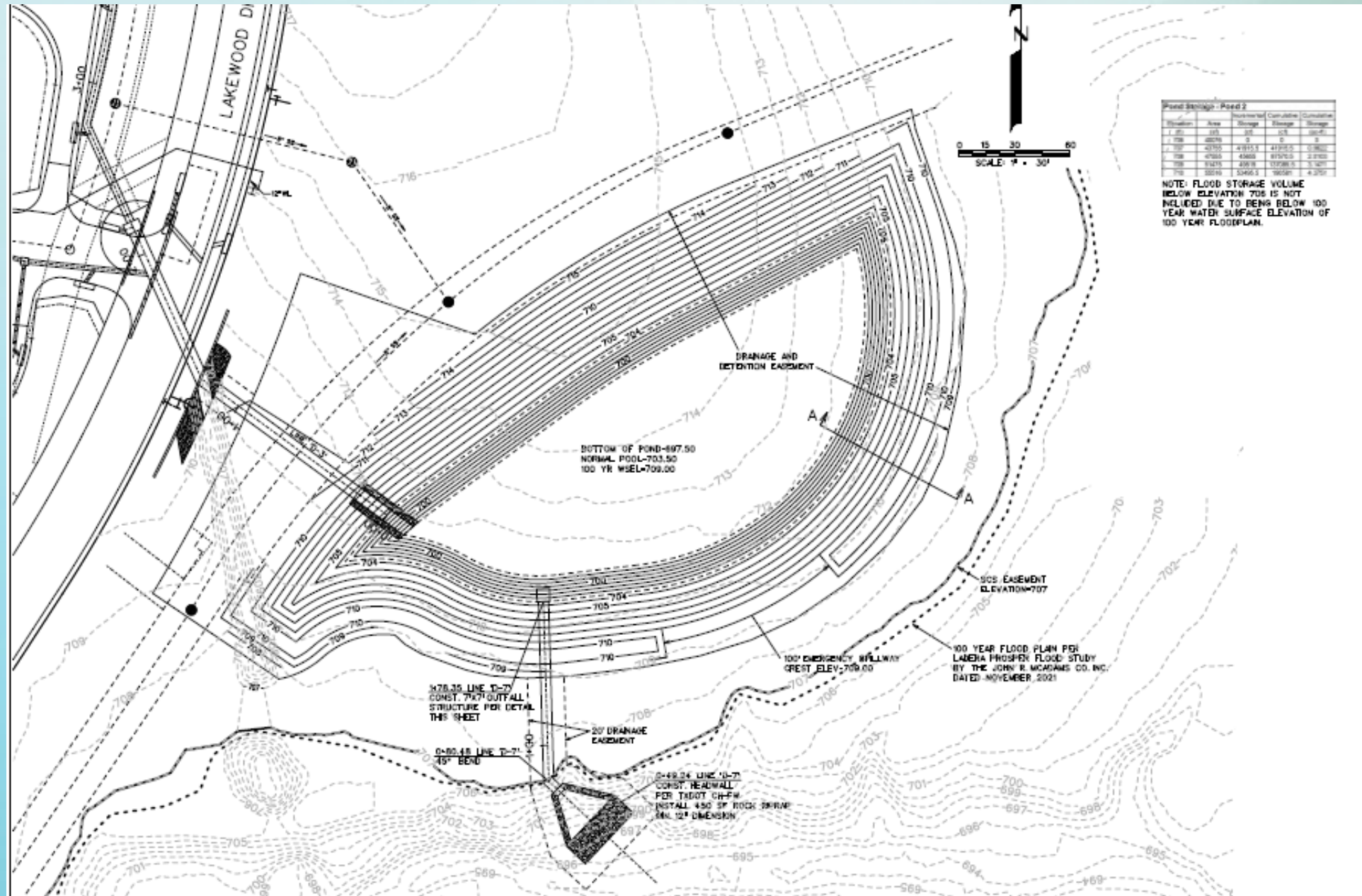
EASEMENT ENCROACHMENT



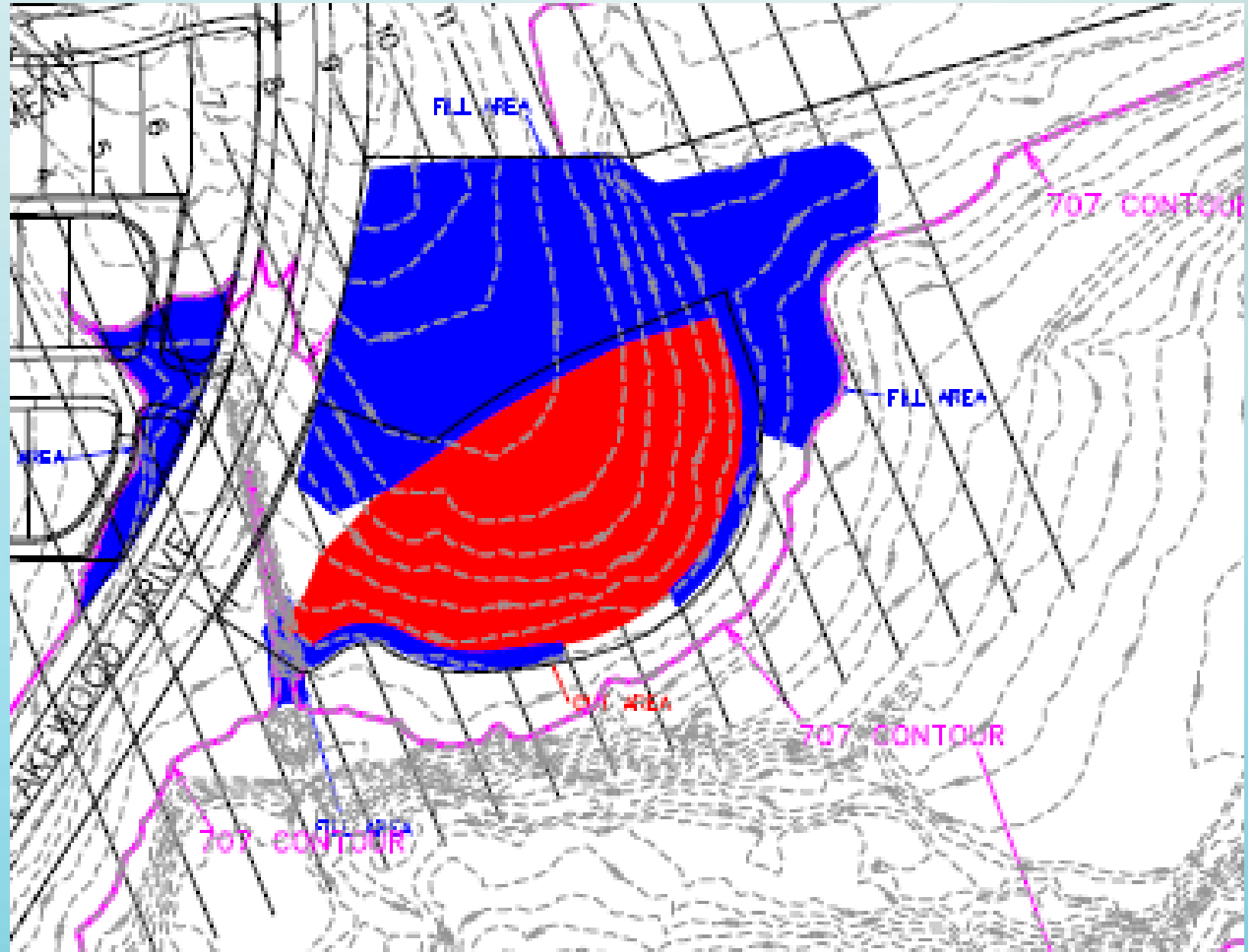
ERRONEOUS EASEMENT DELINEATIONS



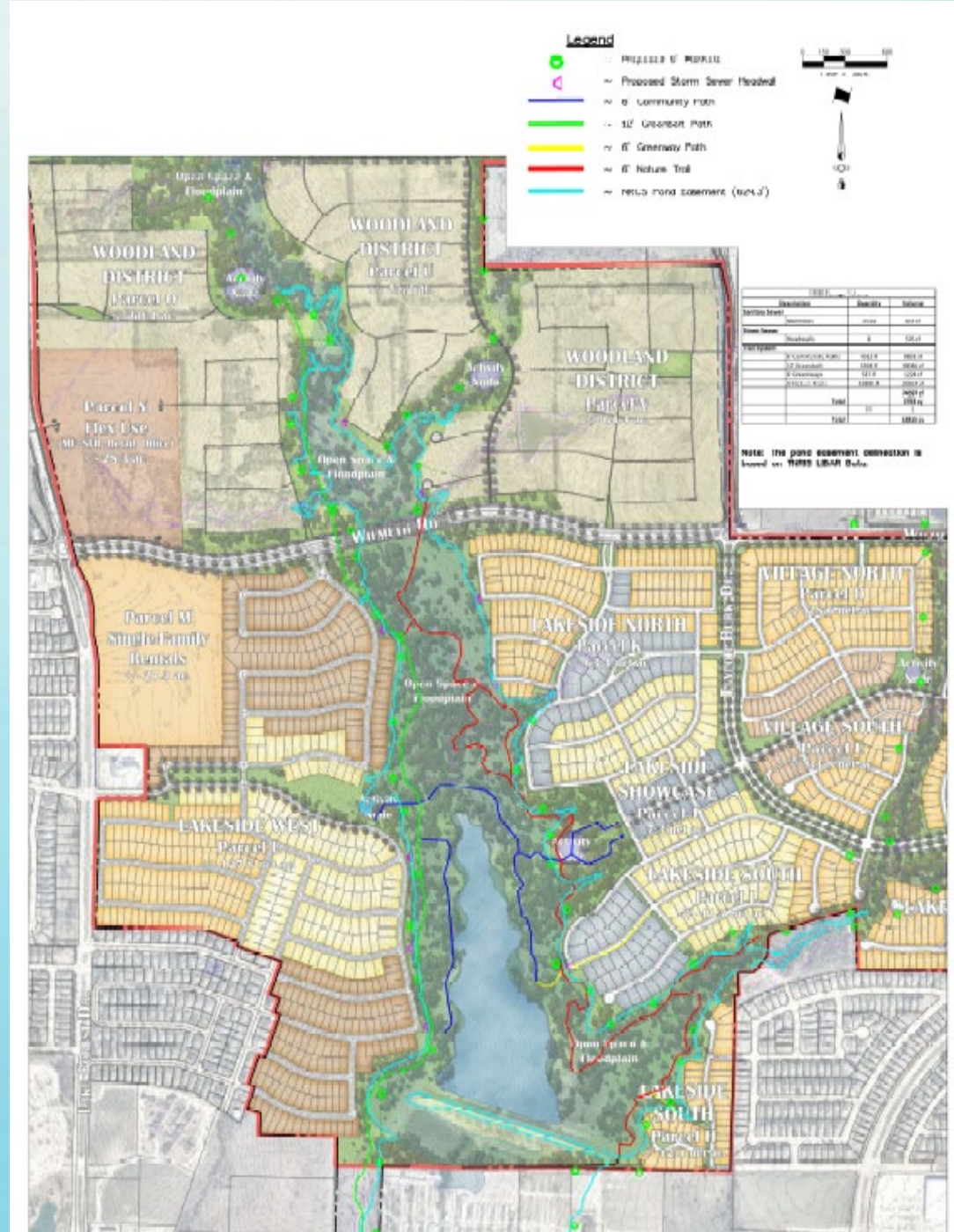
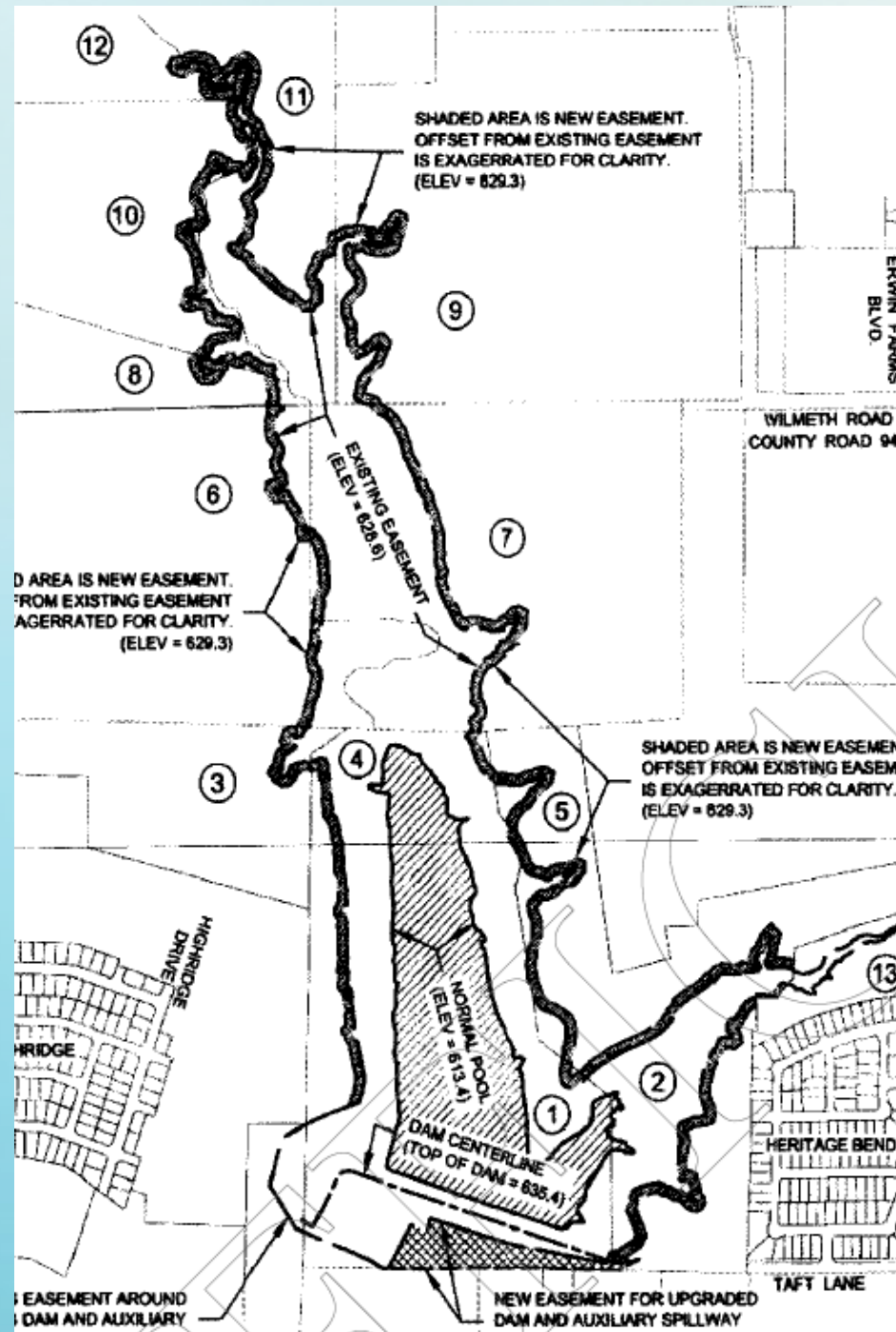
ERRONEOUS EASEMENT DELINEATIONS



ERRONEOUS EASEMENT DELINEATIONS



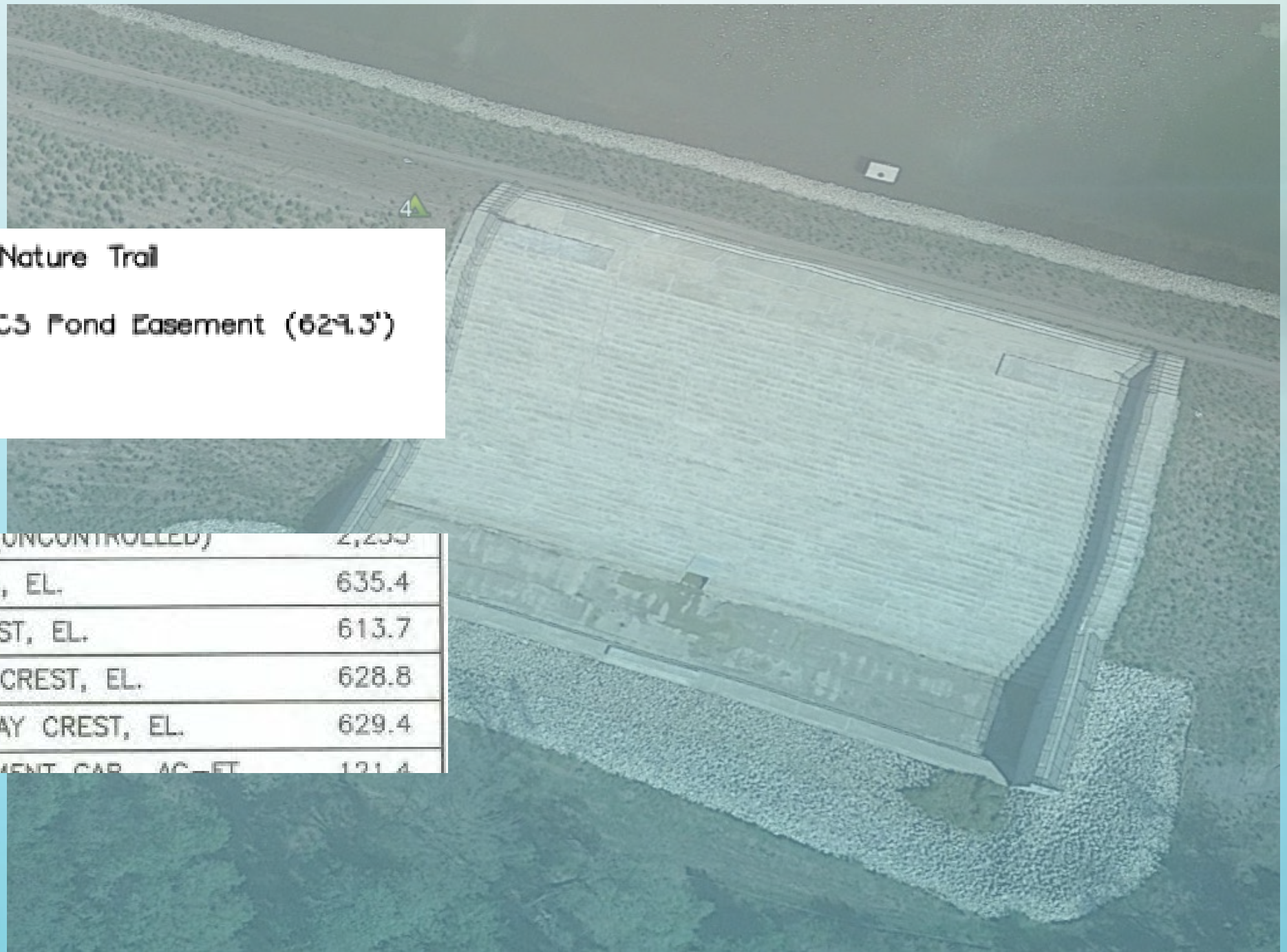
STACKED EASEMENTS

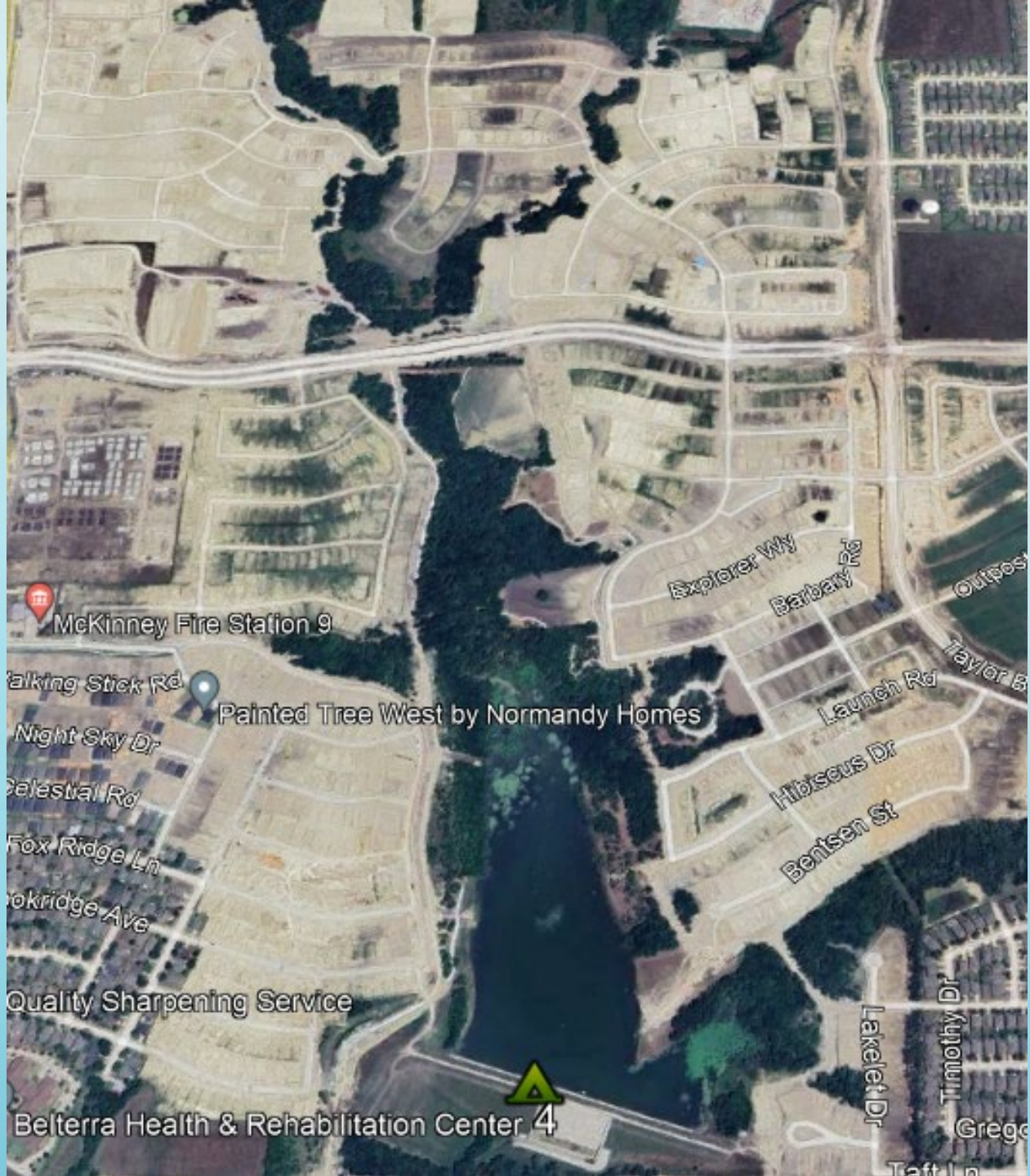


STACKED EASEMENTS

-  ~ 6' Nature Trail
-  ~ NRC5 Pond Easement (629.3')

DRAINAGE AREA, ACRES (UNCONTROLLED)	2,250
TOP OF DAM (EFFECTIVE), EL.	635.4
PRINCIPAL SPILLWAY CREST, EL.	613.7
PRIMARY AUX. SPILLWAY CREST, EL.	628.8
SECONDARY AUX. SPILLWAY CREST, EL.	629.4
REQUIRED 100 YR. SEDIMENT CAP. AC-FT	121.4





STACKED EASEMENTS

ISSUES FACED:

- ❖ Easement Encroachment
- ❖ Erroneous easement delineations
 - Stacked easements
- ❖ Development causing changes to hazard classification
- ❖ Lack of (no) funding
- ❖ Custody of easement documents
- ❖ Easements not discovered in title searches
- ❖ Municipal Utility Districts (MUDs)



A scenic landscape featuring a calm lake in the foreground, a dense forest of evergreen trees on the middle ground, and misty mountains in the background. The entire scene is overlaid with a soft teal-to-blue gradient, creating a serene and atmospheric effect.

CAN A SWCD CHARGE FEES?

CAN A SWCD CHARGE FEES???

SUBCHAPTER E. GENERAL POWERS AND DUTIES OF SOIL AND WATER CONSERVATION DISTRICTS

Sec. 201.101. CORPORATE POWERS.

(a) A conservation district is a governmental subdivision of this state and a public body corporate and politic. A conservation district may:

- (3) make and execute contracts and other instruments necessary or convenient to the exercise of its powers; and
- (4) adopt rules consistent with this chapter to carry into effect its purposes and powers.

executed in connection with the purchase of real property may be secured only by the purchased real property.

(d) A conservation district may not levy taxes.

(e) Debts incurred by a conservation district may not create a lien on the land of owners or occupiers of land in the district.

(f) As a condition to extending benefits to, or performing any work on, land in the conservation district not owned or controlled by the state or a state agency, a conservation district may:

(1) require contributions to the operation in services, materials, or another form; and

(2) require owners or occupiers of land to enter into and perform an agreement or covenant as to the permanent use of land that will tend to prevent or control soil erosion on that land.

Acts 1981, 67th Leg., p. 1472, ch. 388, Sec. 1, eff. Sept. 1, 1981.

Amended by Acts 1989, 71st Leg., ch. 46, Sec. 1, eff. April 27, 1989.

CAN A SWCD CHARGE FEES???

SUBCHAPTER E. GENERAL POWERS AND DUTIES OF SOIL AND WATER CONSERVATION DISTRICTS

Sec. 201.105. ACQUISITION, ADMINISTRATION, AND SALE OF MATERIALS AND EQUIPMENT.

provided by law for purchases by the state or political subdivisions.

(d) A conservation district may charge persons who own or occupy small amounts of land nominal amounts for projects benefiting them if the directors determine it to be in the interest of the general welfare.

(e) A conservation district may sell on open bids any machinery or



“Also for District consideration, we advise that NRCS may not be able to assist if the SWCD charges for a service, and the District will most likely be liable for the service they charge for. Also, we recommend that you consult with your attorney on the appropriate amount of the fees and any other legal issues that may need to be considered.”



- “YOUR EASEMENTS
HAVE VALUE.”

COLLIN COUNTY SOIL & WATER CONSERVATION DISTRICT

POLICY STATEMENT

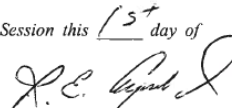
The Board of Directors, Collin County Soil and Water Conservation District, approved the following policies relative to the operations, management, and maintenance of all Floodwater Retarding Structures within the District:

1. The dams, emergency spillways and reservoirs were built on private property after the Collin County SWCD and Commissioners Courts secured special use permits from the landowners involved. These easements are perpetual. The structures were built with federal money but are not federal property.
All surface waters in Texas are owned by the State. However, land-owners are not required to let the general public cross private property to gain access to this state-owned water area. Unauthorized access to water areas is trespassing.
2. To permit controlled grazing of the grass cover on the dam and emergency spillway provided that at least a four-inch stubble of grass is maintained at all times. All grazing shall be excluded when the structures are wet or during dry weather conditions. Fences are the property of the Collin County SWCD and are to remain intact so that grazing can be controlled. Fences must not be altered or removed without prior consent of the District.
3. To permit the urban-suburban development of land adjoining the lakes provided the dams and emergency spillways are not damaged or modified in any manner and provided the floodwater detention capacity of the detention reservoir is not decreased. Placing any obstruction, building, improvement or in any other way altering the dams, emergency spillways or principal spillways is prohibited unless written consent is given by the District. Human dwellings are not to be built within the dam crest elevation upstream of the dams. Other buildings (sheds, boat houses, small barns, etc.) may be built within the dam crest elevation. However, The Collin County SWCD assumes no responsibility for floodwater damages to any building and other private improvements. Landowners must inform the Collin County SWCD of plans to construct any improvements or enhancements within the dam crest elevation.

4. To permit the use of the structures for creek crossings and access roads. However, the dam slopes and emergency spillway cuts were not built to be used by off-pavement recreation vehicles (jeeps, motorcycles, dune buggies, ATV's/UTV's, etc.). Landowners must keep these vehicles off the slopes at all times. These vehicles cause rutting which develops into gully erosion of the dam and the emergency spillway cuts.
5. To permit the landowners and operators involved in the structures the right to use the water for domestic, livestock, or family-size garden (non-commercial) irrigation purposes. Landowners and operators may enjoy recreational activities on these structures (fishing, canoeing, kayaking, etc.) however, motorized boats or jet skis, or any activity creating wave action, is prohibited. Swimming in these structures is highly discouraged. The Collin County SWCD assumes no responsibility for these activities.
6. To permit the sale of water or donation of water for such purposes as sprinkling roads, drilling wells and commercial uses other than irrigation provided the landowners of the floodwater detention reservoir are in accord and provided that any and all rules and regulation of the state, county and/or other local entities are obeyed regarding such use.
7. To permit the use of or sale of water for commercial irrigation provided rules and regulations of the State of Texas are obeyed. Irrigation permits must be obtained from the Texas Commission on Environmental Quality (TCEQ). Also, the detention structures must not be damaged as a result of this use. The landowners having sediment pool areas (permanent water) must all be in agreement on the using of the water for irrigation.

The above regulations and policies shall remain in force until such time or condition should arise causing this policy to be amended, deleted, or added to for proper care of Floodwater Retarding Structures within the Collin County Soil & Water Conservation District.

Adopted by the Board of Directors in Regular Session this 15th day of Oct, 2019.


R.E. Aycock
Chairman

COLLIN COUNTY SOIL & WATER CONSERVATION DISTRICT

POLICY FOR PARTIAL RELEASE OF EASEMENT ABOVE FLOODWATER RETARDING STRUCTURES

1. Developer and/or landowner shall furnish the District a written request for a Partial Release of Easement stating the purpose for the request and comprehensive plans for the area to be released.
2. Developer and/or landowner shall furnish the District a topographic map showing the following elevations:
 - a. Five feet (5') above top of dam (highest point)
 - b. Top of dam (highest point)
 - c. Emergency spillway crest
 - d. Principal spillway
 - e. Permanent water surface
3. Developer and/or landowner shall furnish the District with a metes and bounds description of the area. The described area shall be equal to or exceed the elevation of the top of dam (highest point) or the elevation described in the easement as the maximum area of easement, if not equal to or higher than top of dam (highest point). The survey shall be done by a registered surveyor.
4. The District will not allow any encroachment within the structural embankment, detention storage area equal to the elevation at top of dam (highest point), spillways or outlet channel within the easement area.
5. The District shall retain ingress/egress right-of-way, with no restrictions, with a minimum 30 feet width, to the easement area for operation, maintenance and inspection purposes.
6. In the event that development is planned in phases, a complete plan for all development must be reviewed and approved by the District prior to any Partial Release of Easement being granted. No construction may begin until the Partial Release of Easement is granted and properly filed.
7. The developer and/or landowner requesting the Partial Release of Easement is responsible for all fees associated with the request, including all fees, legal or otherwise, incurred by the District.
8. The developer and/or landowner shall be responsible for filing the Partial Release of Easement with the County Clerk of Collin County and furnishing the District with a filed copy. No release is valid until appropriately filed and the District receives its copy.
9. Any variance to this policy or to areas downstream must be individually reviewed and approved by the District.

The above regulation and policies shall remain in force until such time or condition should arise causing this policy to be amended, deleted, or added to for proper care of Floodwater Retarding Structures within the Collin County Soil & Water Conservation District.

Adopted by the Board of Directors in Regular Session this 15th day of October 2019


R.E. Aycock
Chairman

Engineering Requirements for Dam Modification Proposals

1

The following information is a structured list of information that is required by NRCS when the NRCS field office or watershed sponsors receive requests for modifications at and/or near NRCS-assisted watershed flood control dam sites. NRCS field offices and sponsors can use this list to inform the company or individual of information needed to determine the proposed project's impacts to the dam, auxiliary spillway and appurtenances.

Information needed to provide recommendations:

1. Detailed information concerning cross-sections through the project, especially in areas of the most cut and fill (but not limited to these location), with elevations directly correlating to those on the dam as-built drawings.
2. Volume computations (showing excavation and fill in 1-foot increments from principal spillway elevation to top of dam elevation), based on elevations that directly correlate to the elevation on the dam as-built drawings.
3. A plan map of the of the grading work showing proposed fill (all fill i.e. soil, rock, concrete, brick, etc.) and offsetting cuts/excavation with contour lines on it labeled with elevations that directly correlate to those on the dam as-built drawings.
4. Any other design information or drawings of project design that would be impacted by water from the dam, for example, a retaining wall that will get inundated during flow through the auxiliary spillway and it having a drainage system behind it to help evacuate water should the wall get submerged.
5. A complete description of the project and approximate timeline of activities indicating if and how the project will impact the embankment and appurtenances, the auxiliary spillway, the outlet works and the reservoir.

**MANUAL FOR ENCROACHMENTS
WITHIN
DISTRICT EASEMENTS
OF
FLOODWATER RETARDING
STRUCTURES**



**COLLIN COUNTY
SOIL & WATER
CONSERVATION DISTRICT #535**

Encroachment Manual

Adopted March 1, 2022

WHAT REALLY CHANGED?

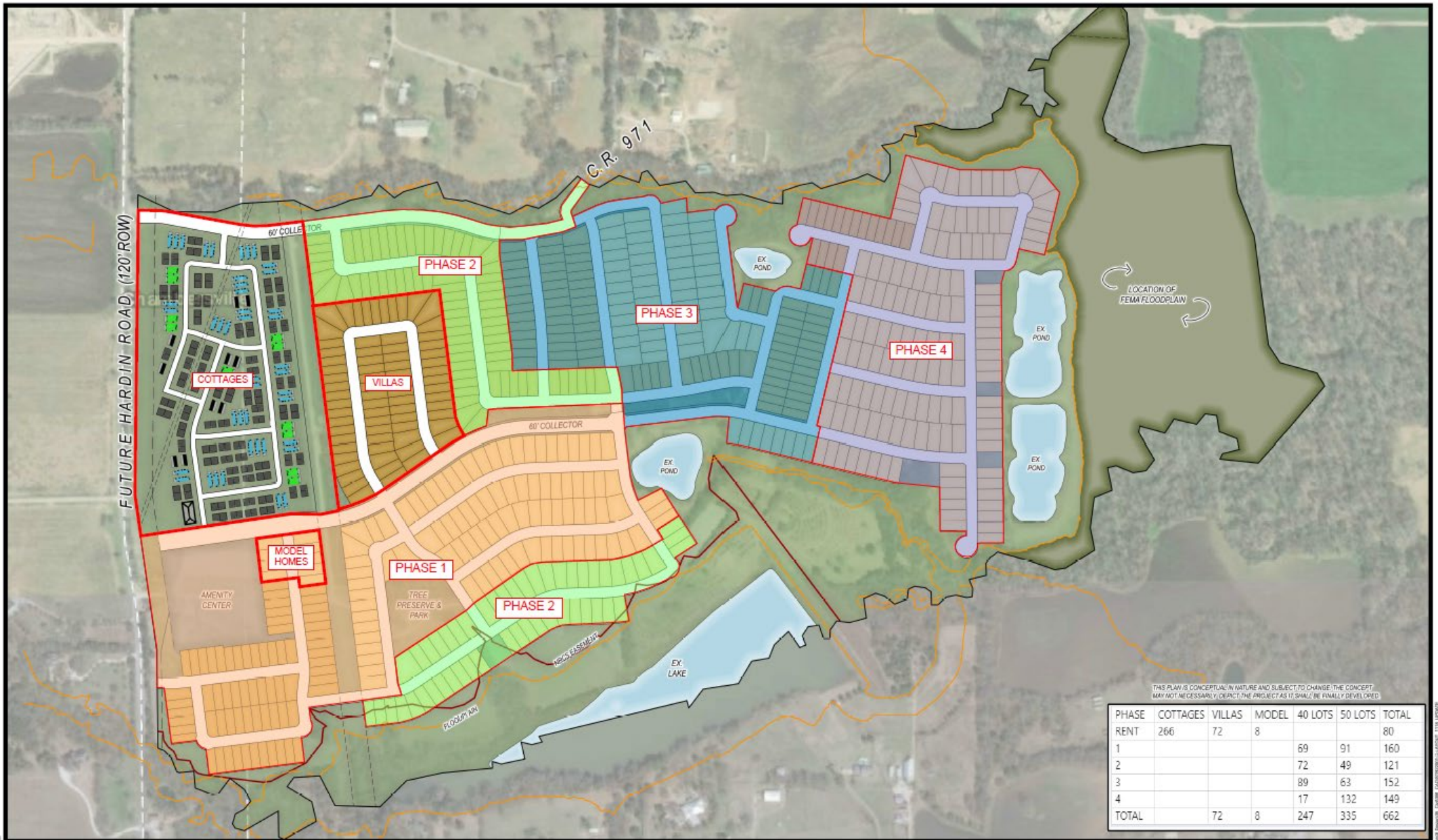
- ❖ Fees Collected
- ❖ Requiring 25% additional compensatory cut
- ❖ Maintaining easements at 3 feet above top of dam, 50 feet maintenance buffer, defined access
- ❖ Keeping original updated easement documents in our possession

Successes:

- ❖ Consistency
- ❖ Time saved
- ❖ Compliments and support from NRCS, TSSWCB and TCEQ Dam Safety
- ❖ Compliments from engineering firms
- ❖ Fees collected
- ❖ Maintaining possession of easement documents

Challenges:

- ❖ Detailed comprehensive plan takes time and money
- ❖ Some developments don't include the entire structure
- ❖ Enforcement



THIS PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE. THE CONCEPT MAY NOT NECESSARILY REFLECT THE PROJECT AS IT SHALL BE FINALLY DEVELOPED.

PHASE	COTTAGES	VILLAS	MODEL	40 LOTS	50 LOTS	TOTAL
RENT	266	72	8			80
1				69	91	160
2				72	49	121
3				89	63	152
4				17	132	149
TOTAL		72	8	247	335	662

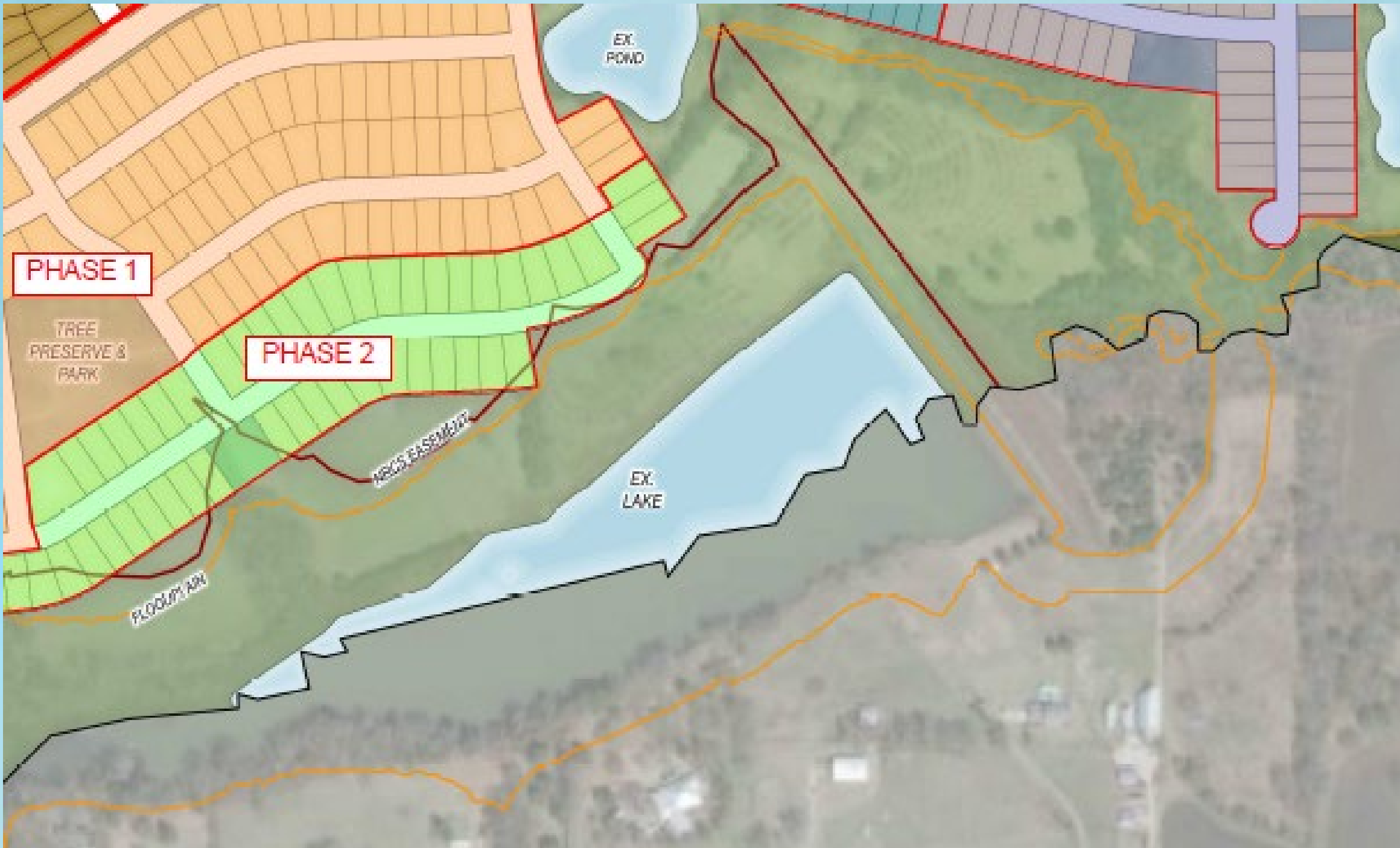


CHAMBERS GROVE
LAYOUT
ANNA, TEXAS
NOVEMBER 2022



PELTON PLS 11/2022 2:48 PM

11/2022 PLS 11/2022 2:48 PM



EX.
POND

PHASE 1

TREE
PRESERVE &
PARK

PHASE 2

MCCOY BASIN RD

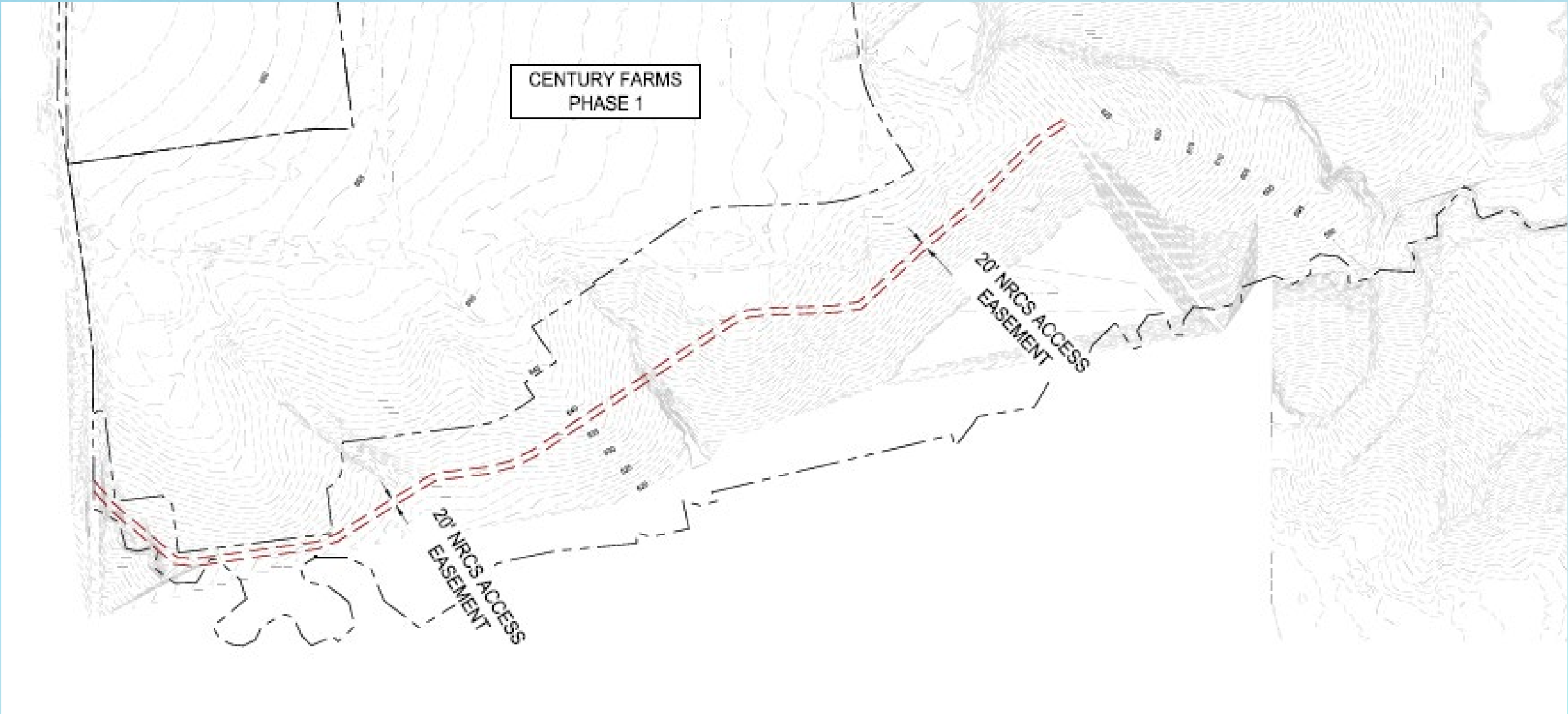
EX.
LAKE

FLOODPLAIN AVE

CENTURY FARMS
PHASE 1

20' NRCS ACCESS
EASEMENT

20' NRCS ACCESS
EASEMENT



UPDATES & REVISIONS

- ❖ Requiring signage
- ❖ Requiring breach analyses
- ❖ Requiring accepted EAPs
- ❖ Requiring maintenance agreements and/or funding with HOAs
- ❖ Requiring co-sponsorship and/or MOUs with MUDs
- ❖ Requiring bonds and insurance from contractor??
- ❖ Filing the encroachment manual with land records



Jilane Carper
Conservation Technician
972-542-0081 ext. 3
Jilane.Carper@tx.nacdnet.net

collincountyswcd.org



CollinCountySWCD535