

LOWER BRUSHY CREEK WCID

APPROVED BOARD POLICY

MODIFICATION OF DISTRICTS FLOOD CONTROL STRUCTURE EASEMENT AND INUNDATION EASEMENTS

GENERAL INFORMATION

Each request for modification of an existing Lower Brushy Creek WCID (District) easement for Flood Control Structures or the Inundation Easement area will require completing a District Application Form, available from the District Engineer. The original and three (3) copies of the completed Application Form and any required supporting documents or information, along with the required fee will be submitted to the District Engineer.

The District's approval of any request for modification of an easement will be contingent on the approval of the State Office of the United States Department of Agriculture, Natural Resources Conservation Service (NRCS).

APPLICATION FOR CONSTRUCTION INVOLVING CUT AND FILL ACTIVITY - (TYPE I)

SUBMITTAL REQUIREMENTS

1. A description of the proposed construction or development activity to occur within the easement area;
2. A map in the same format as the City or County construction permitting authority, showing the District's Flood Control Structure and Inundation Easement and identifying the general area of the proposed construction or development work;
3. A plat of the property as it exists at the time of completing the application, and a copy of any proposed or pending plats for development that show plans, elevations, and other details regarding the construction of any roads, buildings or other structures proposed to be built within the Districts easements;
4. Cross-sections, copies of cut/fill calculations, and a summary of volumes of any proposed earthwork with in the District's easement;
5. Copies of any submitted and/or approved City or County Flood Plain Development Permit Applications, for any proposed construction work within the District's easement which is also in or adjacent to a designated flood plain. Also copies of any additional drainage studies or requirements that are made a part of the City or County permitting process;

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6. Tax certificate from the County Tax Assessor-Collector showing that all real property taxes are paid on the subject property; and
7. A proposed time schedule indicating a start date and a completion date of the proposed construction work, including any significant milestones of the plat or development plan. The time schedule will provide for at least ninety (90) days for the District (Engineer and Attorney) and the NRCS to review the application and for the Board of Directors to act upon the District Engineer's recommendation.

APPLICATION FOR CONSTRUCTION WITH NO CUT AND FILL ACTIVITY - (TYPE II)

SUBMITTAL REQUIREMENTS

1. A description of the proposed construction or development activity to occur within the easement area;
2. A map in the same format as the City or County construction permitting authority, showing the District's Flood Control Structure and Inundation Easement and identifying the general area of the proposed construction or development work;
3. A plat of the property as it exists at the time of completing the application, and a copy of any proposed or pending plats for development that show plans, elevations, and other details regarding the construction of any roads, buildings or other structures proposed to be built within the Districts easements;
4. Copies of any submitted and/or approved City or County Flood Plain Development Permit Applications, for any proposed construction work within the District's easement which is also in or adjacent to a designated flood plain. Also copies of any additional drainage studies or requirements that are made a part of the City or County permitting process;
5. Tax certificate from the County Tax Assessor-Collector showing that all real property taxes are paid on the subject property; and
6. A proposed time schedule indicating a start date and a completion date of the proposed construction work, including any significant milestones of the plat or development plan. The time schedule will provide for at least ninety (90) days for the District (Engineer and Attorney) and the NRCS to review the application and for the Board of Directors to act upon the District Engineers recommendation.

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SPECIAL INUNDATION EASEMENT REQUIREMENTS

The District and the NRCS require that any cuts for any proposed earthwork upstream of the District's Structures shall come from the same or lower elevation than the fills placed, to insure that each vertical portion of the reservoir volume does not change or is increased by the proposed construction work. Any volume of fill placed below the top of the dam elevation will be compensated for with at least a twenty-five (25) per cent greater volume of cut from the same or lower elevation. Those vertical portions of the reservoir are; (a) below the principal spillway crest elevation, (b) from the principal spillway crest elevation to the auxiliary spillway crest elevation, and (c) from the auxiliary spillway crest elevation to the top of the dam elevation.

INDEMNIFICATION REQUIREMENTS

The applicant will be required to provide a recordable indemnification document in a form approved by the Districts Attorney, to be recorded with any platting or subdivision activity for property that is included within any of the Districts easement rights.

Additionally, the District and the NRCS require that the construction of any inhabitable structures upstream of the District's Flood Control Structure and within the easement rights area, have its first floor elevations at or above the top of the dam elevation.

CONSTRUCTION ACTIVITY

The applicant will be required to (a) notify the District prior to initiating any construction work within the District's easement, (b) completely restore and re-vegetate the land affected by the construction, (c) notify the District of the date of the final inspection of the project, (d) provide "Record Drawings" of the work performed, and (e) verify any cut/fill calculations based on final elevations and contours of the site following construction.

The applicant will initiate construction within twelve (12) months of the District and the NRCS approval of the application request or the approval may be considered revoked by the District.

REQUEST FOR MODIFICATION OF EASEMENT BOUNDARY

SUBMITTAL REQUIREMENTS

1. A map, in the same format as the County or City that has planning and/or subdivision regulatory authority over the property, will be provided showing the District's Flood Control Structure and identifying the general area of the proposed easement modification or the area proposed to be released.

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2. If the property being requested for release or modification of the District's easement is being subdivided and/or developed, then a copy of the proposed plat and development plans will also need to be provided.
3. A survey showing the proposed easement modification or the area proposed to be released relative to the District's flood control easement elevation, and the top of dam elevation. Such survey shall bear the seal of a Registered Professional Surveyor of the State of Texas.
4. A suggested form or documentation for the easement modification or release. This document should be in a format that is acceptable to Williamson County for recording, and will need to be approved by the District's Attorney and the state office of NRCS.

FEES REQUIRED

1. Each APPLICATION FOR TYPE (I) OR (II) AND REQUEST FOR EASEMENT MODIFICATION will require the payment of the fee, as listed in the District's Fee Schedule, for review of the application, site inspection, and legal review for each request for proposed construction of buildings, roadways, and cuts/fills within and District flood control easement.
2. If any construction work, which is listed in the APPLICATION FOR TYPE (I) OR (II), is commenced prior to formal approval by the Board of Directors of the District; then the required fee will be 150 % of that Fee listed in the District Fee Schedule.
3. Each REQUEST FOR MODIFICATION OF EASEMENT BOUNDARY will require the payment of the fee, as listed in the District's Fee Schedule, for review of the request, site inspection, legal review, and Williamson or Milam County filling fees for the easement modification or release.

REVIEW AND INSPECTION

The District Engineer will review each APPLICATION and REQUEST for completeness. The District Engineer will inspect the site as part of the District's review of the APPLICATION or REQUEST.

A copy of the complete APPLICATION or REQUEST will be sent to the NRCS for their review and recommendation, and a copy will be provided to the District's Attorney for review.

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BOARD OF DIRECTORS REVIEW

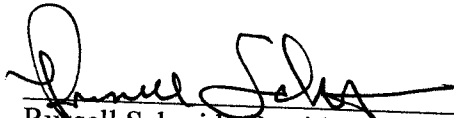
The District Engineer will prepare a written recommendation to the Board of Directors for each APPLICATION and REQUEST submitted to the District, after first reviewing the proposal with the District's Attorney. The APPLICATION or REQUEST will be placed on the next regular Board meeting for consideration and action by the Board of Directors. The District's approval of any request for modification of an easement will be contingent on the approval of the State Office of the United States Department of Agriculture, Natural Resources Conservation Service. No work within any District Flood Control Easement will commence prior to formal action by the Board of Directors. Any work which is commenced prior to such Board action will be entirely at the applicant's risk and may be subject to legal action by the District.

EFFECTIVE DATE

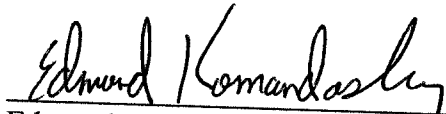
This policy will become effective upon adoption by the Board of Directors.

DATED AT TAYLOR, TEXAS ON THIS 8th DAY OF SEPTEMBER, 2010

APPROVED:


Russell Schmidt, President

ATTEST:


Edmond Komandosky, Secretary

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DISTRICT FEE SCHEDULE

- 1. Request for Construction involving Cut and Fill Activity – Type I**
 - Application Review and Processing \$10,000

- 2. Request for Construction with no Cut or Fill Activity – Type II**
 - Application Review and Processing \$10,000

- 3. Request to Abandon Easement**
 - Less than 5 acres \$1,000
 - 5 acres to 50 acres \$3,000
 - Greater than 50 acres \$6,000

- 4. Request to Modify Easement Boundaries**
 - Less than 5 acres \$1,000
 - 5 acres to 50 acres \$3,000
 - Greater than 50 acres \$6,000