

# EXAMPLE

## **Floodway Easement Statement**

(Within a Common Area)

The existing water courses, creek or creeks described as Floodway Easement traversing along Block \_\_\_\_\_ within the limits of this addition, will remain as an open channel at all times and will be maintained by the Homeowner's Association. The City of Dallas will not be responsible for the maintenance and operation of said watercourses, creek or creeks or for any damage to private property or person that results from the flow of water along said creek, or for the control of erosion in the Floodway Easement.

No obstruction to the natural flow of storm water run-off shall be permitted by filling or by construction of any type of dam, bridge, fence, walkway or any other structure within the Floodway Easements, as hereinafter defined in Block \_\_\_\_\_, unless approved by the Directors of Planning and Development and Water Utilities; provided, however, it is understood that in the event it becomes necessary for the City of Dallas to erect any type of drainage structure in order to improve the storm drainage that may be occasioned by the streets and alleys in or adjacent to the subdivision, then in such event, the City of Dallas shall have the right to enter upon the Floodway Easement at any point or points, to erect, construct and maintain any drainage facility deemed necessary for drainage purposes. The Homeowner's Association shall keep clean and free of debris, silt, and any substance which would result in unsanitary conditions and the City of Dallas shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the Homeowner's Association to alleviate any undesirable conditions, which may occur.

The natural drainage channels and watercourses through Block \_\_\_\_\_, as in the case of all natural channels are subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The City of Dallas shall not be held liable for any damages of any nature resulting from the occurrence of these natural phenomena, or resulting from the failure of any structure or structures within the Floodway Easement.

The natural drainage channel crossing each lot is shown by the Floodway Easement line as shown on the plat.

Floodway Marker monuments shall be installed, delineating the proposed Floodway Easement line, prior to filing of plat, along all rear or side lot lines that are adjacent to the creek as per City of Dallas drawing 424-109. The surveyor shall provide signed and sealed documentation that the Floodway Marker monuments have been installed prior to filing the Final Plat.