

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1479

(Calvert County Delegation)

Environment and Transportation

Education, Health, and Environmental Affairs

Calvert County - Subdivision Plats - Stormwater Management Easements

This bill updates the Public Local Laws of Calvert County to include requirements for the preparation and recordation of subdivision plats in the county. Among other things, a subdivision plat that is intended to be recorded must require the property owner, or a successor or assign of the owner, to grant a perpetual stormwater management easement to the county.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill does not materially affect the operations or finances of Calvert County or the circuit court for the county.

Small Business Effect: Minimal.

Analysis

Bill Summary: In Calvert County, a subdivision plat that is intended to be recorded must be prepared by a licensed professional land surveyor or licensed property line surveyor who must endorse on the plat a signed certificate stating the source of title of the owner of the land being subdivided and the place of record of the last instrument in the chain of title. If there is more than one source of title for the land being subdivided, the outline of the tract from each source of title must be indicated on the plat. These provisions may not be construed to prohibit the preparation of a preliminary study, plan, plat, or proposed subdivision by (1) the land owner; (2) a county planner; (3) a land planner; (4) a

professional land surveyor or property line surveyor; (5) a landscape architect; or (6) any other person having training or experience in subdivision planning or design.

In addition to the required certificate noted above, each subdivision plat or deed of dedication to which a plat is attached must include a specified signed statement that grants a perpetual stormwater management easement to the county. The statement must be signed by the grantors and duly acknowledged before an officer who is authorized to take acknowledgement of deeds. An approved plat that is executed, acknowledged, and in compliance with specified provisions of the bill may be filed with the clerk of the circuit court and indexed in the general index of deeds under the name of the subdivision and the names of the owners of the land being subdivided that have signed the required signed statement.

The recordation of the subdivision plat must operate to transfer, in fee simple, to the Calvert County Board of County Commissioners an easement from every public way, road, and dedication to all stormwater management facilities, structures, and devices within the subdivision for any public purpose, including inspection and, if necessary, maintenance, repair, construction, or reconstruction of stormwater management facilities, structures, and devices within the subdivision. A grantor of the easement must:

- construct, or cause to be constructed, all required stormwater management facilities, structures, and devices within the subdivision; and
- provide for the maintenance of all stormwater management facilities, structures, and devices within the subdivision to ensure they remain in proper working condition in accordance with the approved site development plan, the approved design standards, and all applicable laws, rules, and regulations.

If necessary, and to the extent authorized by law, a grantor may levy regular or special assessments against the landowners served by any stormwater management facility, structure, or device within the subdivision to ensure they are properly maintained.

If a grantor fails to construct, repair, maintain, or operate any stormwater management facility, structure, or device in accordance with an approved site development plan, approved design standards, or any applicable law, rule, or regulation, the county may (1) enter and perform all necessary construction, repair, maintenance, or operating work and (2) assess the grantor for the cost of any work performed.

Recordation of a subdivision plat may not be considered acceptance by the county of any street, road, or other public place shown on the plat for maintenance, repair, or operation.

The bill may not be construed to affect any right of a subdivider of land already validly reserved.

Current Law/Background:

Recordation of Subdivision Plats

In general, if a landowner in the State subdivides his/her land for commercial, industrial, or residential use, a plat of the subdivision must be recorded in the land records of the county where the land is located. Provided the landowner complies with the recordation requirements specified in the Real Property Article, the clerk of the court must generally accept and record the plat. In Calvert County, however, the clerk of the court may not accept and record a plat that creates a new lot or that combines two or more subdivision lots to create one or more new lots unless the county treasurer has certified on the plat that all taxes, assessments, and charges against the existing lots have been paid.

Stormwater Management Act

The General Assembly first enacted the Stormwater Management Act in 1982 and has amended it several times since. Stormwater management initially focused on urban flood prevention, later evolved into resource management, and, more recently, has become an environmental and regulatory function. According to the Office of the Attorney General, under the Stormwater Management Act, the legislature found that the management of stormwater runoff is necessary to reduce stream channel erosion, pollution, siltation and sedimentation, and local flooding in order to protect the State's water and land resources. The intent of the Stormwater Management Act is to reduce, as much as possible, the adverse effects of stormwater runoff. To achieve that goal, the Act requires each county and municipality to have an ordinance implementing a stormwater management program that is consistent with flood management plans and that meets certain minimum requirements.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Calvert County; Judiciary (Administrative Office of the Courts); Maryland Department of the Environment; Department of Legislative Services

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