

East Ascension Consolidated Gravity Drainage District 1

William "Bill" Roux
General Manager

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East Ascension Drainage Works

Policy and Procedure Memo # 6

Trees within Drainage Servitudes – EAGDD Responsibility

Reason for Policy / Procedure

EADW have many times been requested to remove damaged or potentially hazardous trees which are located within drainage servitudes. A policy and procedure to determine which trees are the responsibility of Drainage District for such removal is needed as not to imply universal acceptance of liability of all trees within all servitudes.

Drainage servitudes are dedicated rights of way for the purpose of placing drainage structures for the benefit of the public. Drainage servitudes are usually large enough for the drainage structure and access to the structure to maintain. The Drainage District does not have title to the property; title is with the property owner, but the title is subject to the District's servitude. We only have the right and obligation to maintain the structure itself. If encroachments within this servitude do not inhibit the drainage or maintenance designed for this structure, we have no authority to remove.

Exceptions to this are:

Removal of Trees within Drainage Servitudes

1. The drainage structure (ditch) in some way caused the death of the tree
2. The drainage structure (ditch) eroded to the point of causing the tree to be unstable and a potential hazard
3. EADW need to enlarge the structure (ditch) and in doing so will damage the tree
4. The removal is needed to maintain the ditch
5. The removal of the tree(s) is part of the negotiated settlement to acquire rights of way for or enlargement of a drainage structure (ditch)

In Item numbers 2 and 3, EADW will get permission from the property owner to remove the tree if not requested by the owner first. If the property owner refuses to allow EADW to remove the tree, a hold harmless shall be required to be signed and notarized from the owner absolving the District from all liability. If the owner refuses to give such hold harmless, legal action will result to either remove the tree or absolve the District of liability.

Bill Roux
EACGDD General Manager

| | Yeas | Nays |
|-----------------------|-------|-------|
| Vote of commissioners | _____ | _____ |
| Date of Approval | _____ | |