



MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
**STORMWATER FACILITY MAINTENANCE PROGRAM**



**TRANSFER OF STRUCTURAL MAINTENANCE RESPONSIBILITY OF  
 SWM FACILITY: COMPLETING THE REQUIRED DOCUMENTATION**

Residential communities, Homeowner Associations, and other qualified property owners who want to transfer the structural maintenance responsibilities of their stormwater facilities to the County's Stormwater Facility Maintenance Program must to complete the Transfer Application and submit the application with other supporting documentation to the Department of Environmental Protection (DEP). Instructions on how to fill-out the application are provided below.

| <b>FIRST PAGE OF THE APPLICATION</b>  |  |
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| <p><b>Property Owner, Property Manager, and Attorney Information</b></p> <p><i>(Owner information is mandatory)</i></p> | <p>The <i>Owner</i> is defined as the name of entity that appears on the property deed. The President of the organization, company, or community must be listed on the application. Provide the address, phone, fax, and e-mail information for the Owner or President. The address entered should be the primary address used for correspondence.</p> <p>Include contact information for the Property Management Company and legal representative, as applicable. If the primary contact is the Property Management Company, please include all of the contact information.</p>   |
| <p><b>Applicant Signature and Initial</b></p> <p><i>(A signature is required)</i></p>                                   | <p>The application must be signed and dated by the <i>Owner</i> (Company President or Community President, as applicable) of the property and the second page of the application must be initialed by the <i>Owner</i>. The signature and initial are required. Applications that are not signed and initialed by the <i>Owner</i> will be returned to the applicant.</p>  |
| <p><b>Attachments</b></p> <p><i>(Proof of ownership is mandatory)</i></p>   | <p>Proof of ownership must be included with the application. Acceptable documentation includes the property deed <i>and</i> a recent property tax bill (condos require listing of accounts). Indicate below the applicant signature what types of documents are included with the application.</p> <p>Also include with the application a copy of the property easement and/or covenant, as available. Indicate below the applicant signature if the easement and/or covenant are included with application.</p> <p>If the applicant is attaching another type of document that proves ownership or other legal documentation for the property, please check the "other" box, and describe the document.</p> |

| <b>SECOND PAGE OF THE APPLICATION</b>                  |   |
|--|---|
| <p><b>Stormwater Facility Property Information</b></p> | <p>Include in the application as much of the following as possible: (1) the street location of the stormwater facility, (2) subdivision name, (3) lot, (4) block, (5) parcel, and (6) plat number. This information may be found on the easement for the property. If the property tax account number, or the deed, easement, and/or covenant liber and folio are known, please include the information in the application.</p> <p>Stormwater facility property information must be filled-out for each property parcel with a stormwater facility. This information should only be provided one time for a property parcel with multiple stormwater facilities. If the stormwater facilities are located on separate property parcels, property information should be provided for each parcel.</p> <p>The DEP can provide additional the property information for the stormwater facilities. Please call if you have questions.</p> |

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## TRANSFER OF STRUCTURAL MAINTENANCE RESPONSIBILITY OF SWM FACILITY: COMPLETING THE REQUIRED DOCUMENTATION

- 1) DEP highly recommends you seek legal assistance in completing your executable transfer documents.
- 2) Do not modify the standard language in the template documents. DEP has multiple thousands of stormwater facilities in the County and each has nearly the same covenant/easement requirements. The County Attorney's office rarely allows modifications to the language in the templates.
- 3) Except for condominium parcels, before you begin, make sure you are able to obtain a deed identifying the HOA as the legal owner of the property. This can typically be found by searching the County Land Records ([mdlandrec.net/main/index.cfm](http://mdlandrec.net/main/index.cfm)). It is not uncommon for a developer to overlook conveying the property to the HOA at the end of construction. In this case, we would need the property to be conveyed to the HOA before the transfer can be processed.
- 4) The **Parcel ID #** field at top right of the Amendment of Declaration of Covenants Inspection/Maintenance of Stormwater Management Facility (Amendment) is the property tax account number. If you do not know your Parcel ID #, visit Montgomery County Department of Finance ([montgomerycountymd.gov/realpropertytax/default.aspx](http://montgomerycountymd.gov/realpropertytax/default.aspx)) and enter the address associated with the parcel. All parcels (including those that do not pay any taxes) have a parcel ID #, except for condominium parcels. Condominium parcels do not have one parcel ID#; they have multiples - one for each owner. For condominium parcels, the Parcel ID # field should say "see attached" and a listing of all owners and associated Parcel ID #s should be attached to the application. Visit the MD SDAT website ([sdat.dat.maryland.gov/RealProperty/](http://sdat.dat.maryland.gov/RealProperty/)) to help create this list. The Parcel ID # is not always the same parcel ID # identified on the original stormwater covenant or easement – parcels are frequently subdivided and given new parcel ID #s after an easement/covenant is recorded. Also, some easements for a single facility cross multiple parcels – they all must be identified on the application.
- 5) The Record Legal Description should be Parcel \_\_\_\_\_, Block \_\_\_\_\_, Plat Book \_\_\_\_\_, Plat No. \_\_\_\_\_. Plats can be located and viewed at [mcatlas.org/plats/](http://mcatlas.org/plats/).
- 6) In Recital 2, fill in all required information based on the original Grant of Stormwater Management Easement and Right of Way (Easement). Note: All stormwater facilities constructed in approximately the last 30 years should have an existing stormwater easement and covenant which was recorded in County Land Records. **If your facility does not have an existing stormwater easement or covenant**, complete the [Grant of Stormwater Management Easement](#) (.doc, 74KB) and the [Declaration of Covenant](#) (.doc, 72KB) documents.
- 7) The area described in Exhibit A should match the graphic depiction provided in Exhibit B. Exhibit A cannot refer to an entire parcel area if Exhibit B is a surveyed boundary within the Parcel.
- 8) The easement area in Exhibit B should be cross-hatched (you can do this by hand) to match the language "shown cross-hatched on Exhibit B" from the first page of the Amended Covenant recitals. Alternatively, the language "cross-hatched" can be removed from the text.
- 9) For Amended Covenants, Exhibit C should be the existing recorded stormwater Covenant (created at the time of facility construction). The new Covenant template is only used in Exhibit C when creating a new Easement.
- 10) You do not need to submit any portion of your general community Covenants. The stormwater easement and covenants are separate standalone documents.
- 11) All fields on the "Information for Recording" portion should be completed, including Parcel ID, Record Legal Description, and Street Address of Parcel. The street address can simply be the closest street to the stormwater facility.
- 12) Don't execute the documents until DEP has reviewed them. Once the documents are ready to submit to the County Attorney's office for review, the appropriate signatories should execute the document. Please remember to send single-sided executed documents!