

## **DECLARATION OF COVENANTS**

### **INSPECTION/MAINTENANCE OF RUNOFF CONTROL MEASURES**

**THIS DECLARATION**, made this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, between \_\_\_\_\_, and all successors in interest, hereinafter referred to as the "COVENANTOR(S)," owner(s) of the following property: \_\_\_\_\_ on which management practices, hereinafter referred to as "BMPs", or stormwater management facilities, hereinafter referred to as "SWM Facilities", to control stormwater runoff have been constructed, and County of Henrico, Virginia, hereinafter referred to as the "COUNTY."

#### **WITNESSETH:**

We, the COVENANTOR(S), with full authority to execute deeds, mortgages, other covenants, and all rights, titles and interests in the property described above, do hereby covenant with the COUNTY as follows:

1. The COVENANTOR(S) shall provide maintenance of the BMPs and/or SWM Facilities located on and serving the above-described property to ensure that the BMPs and/or SWM Facilities are and remain in proper working condition in accordance with approved design standards and with applicable legal requirements.

2. If necessary, the COVENANTOR(S) shall levy regular or special assessments against all present or subsequent owners of property served by the BMPs and/or SWM Facilities to ensure that the BMPs and/or SWM Facilities are properly maintained.

3. The COVENANTOR(S) shall provide and maintain perpetual access from public rights-of-way to the BMPs and/or SWM Facilities for the COUNTY, its agents and its contractors.

4. The COVENANTOR(S) shall grant the COUNTY, its agents and its contractors, a right of entry to the BMPs and/or SWM Facilities for the purpose of inspecting, installing, maintaining or repairing the BMPs and/or SWM Facilities, as necessary.

5. If, after reasonable notice by the COUNTY, the COVENANTOR(S) shall fail to maintain the BMPs and/or SWM Facilities to control stormwater runoff in accordance with the requirements of Section 24-106.3 of the County Code in effect at the date of these covenants, the COUNTY may perform all necessary repair or maintenance work, and the COUNTY may assess the COVENANTOR(S) and/or all property served by the BMPs and/or SWM Facilities for the cost of the work and any applicable penalties.

6. The COVENANTOR(S) shall indemnify and save the COUNTY harmless from any and all claims for damages to persons or property arising from the installation, maintenance, repair, operation or use of the BMPs and/or SWM Facilities.

7. The COVENANTOR(S) shall promptly notify the COUNTY when the COVENANTOR(S) legally transfer any of the COVENANTOR(S)' responsibilities for the BMPs and/or SWM Facilities. The COVENANTOR(S) shall supply the COUNTY with a copy of any document of transfer, executed by both parties.

8. The covenants contained herein shall run with the land and shall bind the COVENANTOR(S) and the COVENANTOR(S)' heirs, executors, administrators, successors and assignees, and shall bind all present and subsequent owners of property served by the BMPs and/or SWM Facilities as long as they own an interest in the property.

9. This COVENANT shall be recorded in the Circuit Court of Henrico County.

IN WITNESS WHEREOF, the COVENANTOR(S) have executed this DECLARATION OF COVENANTS as of this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

COVENANTOR: \_\_\_\_\_  
Signature

ATTEST: \_\_\_\_\_  
Type Name Title

COVENANTOR: \_\_\_\_\_  
Signature

ATTEST: \_\_\_\_\_  
Type Name Title

COVENANTOR: \_\_\_\_\_  
Signature

ATTEST: \_\_\_\_\_  
Type Name Title

COVENANTOR: \_\_\_\_\_  
Signature

ATTEST: \_\_\_\_\_  
Type Name Title

**STATE OF VIRGINIA**

**CITY/COUNTY OF \_\_\_\_\_**

I hereby certify that on the \_\_\_\_ day of \_\_\_\_\_,  
200\_\_, before the subscribed, a Notary Public of the State of Virginia, and for the City/County  
of \_\_\_\_\_, aforesaid personally appeared before me  
\_\_\_\_\_;  
\_\_\_\_\_;  
\_\_\_\_\_;  
\_\_\_\_\_;

and did acknowledge the foregoing instrument to be their Act.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this  
\_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

Approved as to form: \_\_\_\_\_  
County Attorney