



COUNTY OF JAMES CITY, VIRGINIA

DECLARATION OF COVENANTS
INSPECTION/MAINTENANCE OF DRAINAGE SYSTEM

Please type or print legibly in black ink. Covenantor(s) should submit this form to the JCC Engineering and Resource Protection Division, 101-E Mounts Bay Road, Williamsburg, VA 23185.

THIS DECLARATION OF COVENANTS, made this _____ day of _____, 20____, between _____, and all successors in interest, ("COVENANTOR(S)"), owner(s) of the following property:

Parcel Identification Number(s): _____

Legal Description(s): _____

Project or Subdivision Name: _____

Document/Instrument No(s): _____

or Deed Book _____, Page No. _____,

and the County of James City, Virginia ("COUNTY.")

WITNESSETH:

I (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 for the drainage system including any runoff control facilities, conveyance systems and associated easements, hereinafter referred to as the "SYSTEM," located on and serving the above-described property to ensure that the SYSTEM is and remains in proper working condition in accordance with approved design standards, and with the law and applicable executive regulations. The SYSTEM shall not include any elements located within any Virginia Department of Transportation rights-of-way.

2. If necessary, the COVENANTOR(S) shall levy regular or special assessments against all present or subsequent owners of property served by the SYSTEM to ensure that the SYSTEM is properly maintained.

3. The COVENANTOR(S) shall provide and maintain perpetual access from public right-of-ways to the SYSTEM for the COUNTY, its agent and its contractor.

4. The COVENANTOR(S) shall grant the COUNTY, its agent and its contractor a right of entry to the SYSTEM for the purpose of inspecting, monitoring, operating, installing, constructing, reconstructing, maintaining or repairing the SYSTEM.

5. If, after reasonable notice by the COUNTY, the COVENANTOR(S) shall fail to maintain the SYSTEM in accordance with the approved design standards and with the law and applicable executive regulations, 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 SYSTEM for the cost of the work and any applicable penalties.

Prepared by (Name, Address & Phone):

Return to:

JCC Attorney's Office
101-C Mount's Bay Road
Williamsburg, VA 23185
(757) 253-6612

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, construction, maintenance, repair, operation or use of the SYSTEM.

7. The COVENANTOR(s) shall promptly notify the COUNTY when the COVENANTOR(S) legally transfers any of the COVENANTOR(S) responsibilities for the SYSTEM. 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 SYSTEM.

9. This COVENANT shall be recorded in the County Land Records.

IN WITNESS WHEREOF, the COVENANTOR(S) has executed this DECLARATION OF COVENANTS as of the date first above written.

COVENANTOR(S)

Signature

Print Name and Title

ACKNOWLEDGMENT

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to wit:

I hereby certify that on this _____ day of _____, 20_____, before the subscribed, a Notary Public for the Commonwealth of Virginia, personally appeared _____ and did acknowledge the foregoing instrument to be his/her Act.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 20____.

[SEAL]

Notary Public

Notary Registration Number: _____

My Commission expires: _____

Approved as to form:

County Attorney