

**SAMPLE DEED RESTRICTION LANGUAGE**  
**(THIS IS ONLY A SAMPLE AND WE RECOMMEND CONSULTING LEGAL COUNSEL FOR**  
**ADVICE)**

**DRAFT**

**DECLARATION OF RESTRICTIONS FOR LOTS IN \_\_\_\_\_ SUBDIVISION**

**DRAINAGE MAINTENANCE DISTRICT**

THIS DECLARATION OF DEED RESTRICTIONS OF \_\_\_\_\_ SUBDIVISION is made by \_\_\_\_\_, (hereinafter referred to as "Declarant") whose address is \_\_\_\_\_ for [itself] and its successors and assigns, for the benefit of the Geauga County Board of Commissioners and the owners of \_\_\_\_\_ subdivision.

**WITNESSETH**

WHEREAS, Declarant owns in fee simple, certain real property situated in the Township of \_\_\_\_\_, County of Geauga, State of Ohio, hereinafter referred to as the "premises" and described in the attached legal description, exhibit \_\_\_\_.

WHEREAS, Declarant proposes to develop and improve the premises for single family residential purposes under a general plan for development, and desires to establish certain restrictions pursuant to this plan for development with respect to the premises;

NOW, THEREFORE, Declarant, as owner of the premises, for himself; and his heirs, executors, administrators, tenants, successors and assigns, declares that the premises are held and hereafter shall be conveyed, subject to the following covenants, rights, reservations, limitations, and restrictions.

**Article 1:**

A Drainage Maintenance District ("DMD") Easement exists on sublots \_\_\_\_ within the XX Subdivision for purposes of maintaining and repairing, as necessary, the storm water management facility(s) located on those lots. A copy of the final recorded plat, construction plans, DMD Agreement, County Commissioners Resolution and Construction Estimate describing the easement and terms of such can be obtained from the Geauga County Engineer's Office. The DMD provides funding to the Geauga County Commissioners to maintain and repair the storm water management facility(s) through an assessment of all subplot owners within the XX Subdivision, as necessary.

The Geauga County Commissioners, its agents, successors *and assigns* have the right to maintain and/or repair the storm water management facility(s) and all its associated appurtenances as *(list)* located on subplot \_\_\_\_ under the authority and funding of the DMD Agreement. The subplot owners have the right to enjoy and utilize the property where the DMD Easement exists. The subplot owner may perform any of the below listed maintenance items as aesthetically necessary and not structurally related. The Geauga County Commissioners, its agents and successors have the right to enter the DMD Easement and perform the below listed items if they deem it necessary. Maintenance items may include but are not limited to the following: *(Edit and use as applicable – other items may be required depending on type of structure – consult engineer of project)*

1. Storm water Pond Monthly Maintenance
  - (a) Removal of floating debris
  - (b) Removal of woody vegetative growth from pond area including embankments  
(planting of trees on any dams or embankment is not allowed)
  - (c) Removal of trash and/or sediment accumulation
  - (d) Removal of obstructions in orifices and/or outlets
  - (e) Mowing of pond, banks, and dam

2. Storm water Pond Annual Maintenance
  - (a) Repair erosion to the outfall or spillway
  - (b) Repair and/or replace any damaged structures (i.e. catch basins, risers, pipes, headwalls)
  - (c) Repair animal burrows and/or other leaks in the dam
  - (d) Nuisance trapping, as necessary, to prevent animal burrows with appropriate state permits/licenses and/or licensed trappers.
  - (e) Debris should be removed from overflow spillway and grates.
3. Infiltration Trench Monthly Maintenance
  - (a) Remove debris from all inlet and outlet pipes
  - (b) Mowing of vegetated area and ensuring not driven over to reduce over compaction
  - (c) Ensure trench is dewatering between storms and not bypassing facility
4. Infiltration Trench Annual Maintenance
  - (a) Removal of sediment in sediment traps or pretreatment swales
  - (b) Repair any aggregate areas
5. Bioretention Area Monthly Maintenance
  - (a) Mowing of vegetated area and ensuring not driven over to reduce over compaction
  - (b) Replace and remove any diseased or dead plants
6. Bioretention Area Annual Maintenance
  - (a) Mulch should be replaced annually at a depth of no greater than 3" and cover the entire area. Remove old compacted mulch prior to new mulch placement.
  - (b) Repair any areas that have eroded

No structural alterations, modifications, or elimination may be made to the storm water facility (retention pond) without prior written approval from the Geauga County Commissioners, its agents, successors, and assigns.

The Geauga County Commissioners, its agents, and successors are hereby authorized to access the storm water management facilities (*list types*) at the \_\_\_\_\_ Subdivision for inspection purposes on sublots \_\_\_\_ \_ as shown on the recorded final plat.

Article 2:

The covenants, rights, terms, reservation, limitations, agreements and restrictions contained in this Declaration shall be deemed to be covenants running with the land herein described as the premises, and not conditions and shall bind the Declarant and all owners of building lots, their respective heirs, successors or assigns. This declaration shall create privity of contract and/or estate with and among all owners of all or any part of the premises, their heirs, executors, administrators, successors or assigns. There shall be no alteration, amendment, vacation or any other change to the DMD Easement described herein and shown on the record plat of the \_\_\_\_\_ nor shall there be any alteration, amendment, vacation or other change to this declaration without the prior written approval of the Geauga County Board of Commissioners, its agents, successors, and assigns.

This Declaration may be amended or cancelled only by an instrument in writing, signed by the owners of the property and by the Geauga County Board of Commissioners, certifying that both parties have agreed to amend or cancel this Declaration. Any amendment or cancellation hereto shall be promptly filed for record with the Geauga County Recorder.

IN WITNESS WHEREOF, Declarant has duly executed this Declaration on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

WITNESSES:

OWNER:

(Signature) \_\_\_\_\_

(Signature) \_\_\_\_\_

(Print Name) \_\_\_\_\_

(Print Name) \_\_\_\_\_

(Print Title) \_\_\_\_\_

(Signature) \_\_\_\_\_

(Print Name) \_\_\_\_\_

**STATE OF OHIO, COUNTY OF GEAUGA**

Before me a Notary Public, in and for said County personally appeared the above named \_\_\_\_\_ as owner of \_\_\_\_\_ Subdivision, who acknowledged that he did sign the forgoing instrument and that the same was his free act and deed

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at \_\_\_\_\_, Ohio this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

Prepared By: