

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

DECLARATION OF RESTRICTIONS FOR LOTS IN _____ SUBDIVISION

THIS DECLARATION OF DEED RESTRICTIONS OF _____ SUBDIVISION is made by _____, (hereinafter referred to as "Declarant") whose address is _____.

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.

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, 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:

(Homeowners Association/Owner of subplot ____) is responsible for maintaining the stormwater management facility *(list the types)* located on subplot ____ as required by Geauga Soil and Water Conservation District. Maintenance includes but is 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. Stormwater Pond Monthly Maintenance
 - (a) Removal of floating debris
 - (b) Removal of woody vegetative growth from pond area including embankments
 - (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. Stormwater 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) 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 stormwater facility (retention pond) without prior written approval from the Geauga Soil and Water Conservation District.

The Geauga Soil and Water Conservation District, its agents and successors are hereby authorized to access the stormwater management facilities (*list types*) at the _____ Subdivision for inspection purposes.

IN WITNESS WHEREOF, Declarant has duly executed this Declaration the day and year first above written.

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 _____, 2005.

Notary Public