

DECLARATION OF RESTRICTIVE COVENANTS FOR INSPECTION & MAINTENANCE
OF STORM WATER STRUCTURES

This Declaration of Restrictive Covenants for Inspection and Maintenance of Storm Water Structures (hereinafter the "Declaration of Restrictions") is made on the __ day of _____, 20__ by ABC Building (hereinafter the "Owner"), for itself and its successors and assigns, for the benefit of Geauga Soil and Water Conservation District (hereinafter the "District").

RECITALS

WHEREAS, Owner owns real property located in Any Township/Village, Geauga County, Ohio, the legal description for such real property being attached hereto as Exhibit A (hereinafter the "Property"); and

WHEREAS, Owner will construct certain improvements on the Property and, in connection therewith, will cause to be constructed on the Property a storm water retention basin; and

WHEREAS, Owner desires to describe herein its agreements with respect to the inspection and maintenance of the said storm water retention basin, and certain other agreements in connection therewith, all of such agreements to be for the benefit of the District.

NOW, therefore, ABC Building hereby declares the following agreements and covenants for the Property:

1. DEFINITIONS: As used in this Declaration of Restrictions, the following terms shall have the designated meanings:
 - (a) Facility: That certain storm water detention basin facility consisting of an approximate X-acre pond and all associated appurtenances on the Property, which is further described on Exhibit B attached hereto.

2. MAINTENANCE:
 - (a) It is the Owner's responsibility to maintain and make all necessary repairs to the Facility located on the Property to ensure its original designed function. This includes that the property owner provides annual inspection reports, see attached Exhibit C, to Geauga SWCD. Facility maintenance may include but is not limited to the following: (Insert as appropriate for type of structure(s))

- 1) Stormwater Dry Pond Monthly Maintenance
 1. Removal of floating debris
 2. Removal of woody vegetative growth from pond area including embankments
 3. Removal of trash and/or sediment accumulation
 4. Removal of obstructions in orifices and/or outlets
 5. Mowing of pond, banks, and dam
- 2) Stormwater Dry Pond Annual Maintenance
 1. Repair erosion to the outfall or spillway
 2. Repair and/or replace any damaged structures (i.e. catch basins, risers, pipes, headwalls)
 3. Repair animal burrows and/or other leaks in the dam
 4. Debris should be removed from overflow spillway and grates.
- 3) Infiltration Trench Monthly Maintenance
 1. Remove debris from all inlet and outlet pipes
 2. Mowing of vegetated area and ensuring not driven over to reduce over compaction
 3. Ensure trench is dewatering between storms and not bypassing facility
- 4) Infiltration Trench Annual Maintenance
 1. Removal of sediment in sediment traps or pretreatment swales
 2. Repair any aggregate areas
- 5) Bioretention Area Monthly Maintenance
 1. Remove gross accumulated sediment and debris.
 2. Keep outlets free from blockage by sediment or debris.
 3. Repair soil erosion or scouring.
 4. Keep inlets to bioretention area free from blockage by sediment, and debris.
 5. Remove weeds and invasive plants from bioretention area.
 6. Inspect plant health seasonally to ensure vigorous growth. Prune plants, particularly shrubs and trees, during the dormant season (fall to early spring).
- 6) Bioretention Area Annual Maintenance
 1. Replace diseased or dying plants.
 2. Repair broken underdrains.
 3. Maintain and replace annually a minimum 3 inch depth of coarse shredded hardwood bark mulch. Pine mulches and fine or chipped hardwood mulches may not be used since they will float and move, blocking drainage.
 4. Check planting soil and filter media layer for clogging. Replace every 2-10 years/ as needed.
- 7) Underground Detention System Monthly Maintenance
 1. Remove accumulated sediment, debris and trash from inlets, detention chambers and outlets per manufacturer's specifications.
 2. Repair soil erosion or scouring at the outlet(s) of the underground detention if overflow is discharged onto ground surfaces.
 3. Inspect the monitoring well/inspection port to ensure access by

qualified personnel to determine if accumulation of sediment and debris within detention chambers requires removal per manufacturer's specifications.

8) Underground Detention System Annual Maintenance

1. Repair or replace damaged system components based on manufacturer's specifications.

** Do not enter underground detention manholes to inspect system unless Occupational Safety & Health Administration (OSHA) regulations for confined space entry are followed.*

** Follow inspection and maintenance instructions and schedules provided by system manufacturer and installer.*

** Properly dispose of all wastes.*

3. CHANGES: Owner will not eliminate or make structural changes or modifications to the Facility without the prior written approval from the District.
4. ACCESS: Owner hereby grants to the District the right to inspect the Facility. The District shall give the Owner at least ten days prior written notice of its intent to inspect the Facility. Owner hereby grants to the District the right to enter upon the Property for purpose of inspection of the Facility, subject to requirements for notice described above.
5. RECORDING: This Declaration of Restrictions shall be recorded in the Geauga County Recorders' Office.
6. BINDING EFFECT: This Declaration of Restrictions shall be binding upon and shall inure to the benefit of, the parties hereto and their successors and assigns; provided, however, upon a sale of the Property, the owner of the Property, including without limitation the Owner, shall be released from any and all liabilities and obligations under this Declaration of Restrictions which accrue from and after the date of sale. The Owner, and its successors and assigns, shall only be obligated hereunder so long as it or they own fee simple title to the Property. This Declaration of Restrictions shall run with the land and shall be binding upon future owner thereof.
7. NOTICE: Any notice permitted or required to be given pursuant to the terms of this Declaration of Agreements shall be deemed properly given if either hand delivered, or mailed by certified U.S. mail, return receipt requested, or sent by overnight courier requiring signature of receipt, to the following addresses:

IF TO THE OWNER:

ABC Building
Street Address
City, State Zip

IF TO DISTRICT:

Gauga Soil and Water Conservation District
12611 Ravenwood Drive Suite 240
Chardon, OH 44024

A party hereto may change its address for purpose of Notice hereunder by giving written notice to the other party pursuant to requirements of this Section 7.

IN WITNESS WHEREOF, ABC Building has signed this Declaration of Restrictions on the _ day of _____, 20__ .

Signed in the presence of: ABC Building

Witness By: _____

Witness Title: _____

STATE OF OHIO

COUNTY OF GEAUGA

The foregoing instrument was acknowledged before me this __ day of _____, 20____ by _____ the Owner of ABC Building on behalf of ABC Building.

NOTARY PUBLIC

This instrument prepared by:

SAMPLE
FOR YOUR USE