

IMPORTANT NOTICE

Over the past several years, circuit court clerks throughout the Commonwealth have struggled to meet increasing workload demands while facing significant budget cuts at the State level. These problems have been exacerbated by the state's failure to provide staffing resources commensurate with the surge in workload. Consequently, it is necessary for clerks' offices to examine alternate processes in order to meet statutory responsibilities. This is particularly true in high growth areas of the state where deed filings have reached record levels.

The Clerks of the Chesterfield and Henrico Circuit Courts routinely examine new technologies and process improvements that can bring greater efficiencies to their office operations while better serving the public. To that end, and pursuant to *Code of Virginia* § 17.1-227.1, both the Chesterfield and Henrico Circuit Court Clerks' Offices will exercise the option to require a Land Records Cover Sheet for all documents recorded in the Deed Book **effective July 1, 2004**. In practice, data contained on Cover Sheets will be scanned via bar code readers, thereby allowing instruments to be recorded more timely and accurately.

To create the required Cover Sheet, users must access Cover Sheet software made available at the following web site: www.landsystems.com. Although several methods to obtain the necessary software are available, the online monthly subscription option may best meet the needs of most attorneys and title firms since it allows storage and retrieval of cover sheets from any location should future adjustments be necessary. After July 1, 2004, documents that do not include a Cover Sheet with all information accurately listed will be returned to the presenting party so that a corrected Cover Sheet may be prepared. In the event last minute corrections are necessary in Chesterfield, please note that public access computers with Internet access are available in the Law Library and at the Central Library adjacent to the Courts Building. In Henrico, such computers are available at the Law Library located in the Courts Building.

In order to prepare filing parties for what can be expected associated with Cover Sheet implementation, two joint seminars hosted by the software vendor and the Clerks of both Circuit Courts will be held. All interested parties are encouraged to attend one of the following seminars:

June 3, 2004 - 2:00 p.m. - 4:00 p.m., at Henrico Circuit Court
June 9, 2004 - 5:00 p.m. - 7:00 p.m., at Chesterfield Circuit Court

The Chesterfield and Henrico Circuit Court Clerks' Offices are eager to provide assistance during this period of transition and look forward to providing more efficient service upon implementation of the Land Records Cover Sheet program. For inquiries concerning Cover Sheet requirements in the Chesterfield Circuit Court, please call 748-1285. For the Henrico Circuit Court, please call 501-4979.



DECLARATION OF COVENANTS

INSPECTION/MAINTENANCE OF RUNOFF CONTROL MEASURES

THIS DECLARATION, made this _____ day of _____, 20 __, between _____, and all successors and assigns in title and interest, hereinafter referred to as the "COVENANTOR(S)," owner(s) of the following property:

_____ on which best 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 for 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 officers, agents, employees, and contractors.

4. The COVENANTOR(S) shall grant the COUNTY, its officers, agents, employees and contractors, a right of entry to the BMPs and/or SWM Facilities for the purpose of inspecting, operating, installing, constructing, reconstructing, 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 10-35(a)(14) 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 its officers, agents, employees and contractors harmless from any and all claims for damages and injuries to persons or property arising from the installation, construction, 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 or assign 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 _____, 20____.

COVENANTOR(S)

ATTEST:

COVENANTOR(S)

ATTEST:

STATE OF VIRGINIA
CITY/COUNTY OF

I hereby certify that on the _____ day of _____, 20____, before the subscribed, a Notary Public of the State of Virginia, and for the City/County of _____, aforesaid personally appeared before me

,

Name of COVENANTOR(S)

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 _____, 20____.

Notary Public

My Commission expires:

Approved as to form: