

DECLARATION OF COVENANTS

INSPECTION/MAINTENANCE OF STREAM PROTECTION AREAS

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

_____ on _____ which
Stream Protection Areas, hereinafter referred to as "SPAs", to filter stormwater runoff have
been designated, 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 SPAs located on
and serving the above-described property to ensure that the SPAs 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 SPAs to ensure that the
SPAs are properly maintained.

3. The COVENANTOR(S) shall provide and maintain perpetual access from public rights-of-way to the SPAs for the COUNTY, its agents and its contractors.

4. The COVENANTOR(S) shall grant the COUNTY, its agents and its contractors, a right of entry to the SPAs for the purpose of inspecting, installing, maintaining or repairing the SPAs, as necessary.

5. If, after reasonable notice by the COUNTY, the COVENANTOR(S) shall fail to maintain the SPAs 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 SPAs for the cost of the work and any applicable penalties.

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 SPAs.

7. The COVENANTOR(S) shall promptly notify the COUNTY when the COVENANTOR(S) legally transfer any of the COVENANTOR(S)' responsibilities for the SPAs. 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 SPAs 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:

Rev. 09/09