



COUNTY OF JAMES CITY, VIRGINIA

EASEMENT & DECLARATION OF COVENANTS
INSPECTION/MAINTENANCE OF DRAINAGE SYSTEM

**Stormwater and Resource
Protection Division**
101-E Mounts Bay Road
Williamsburg, VA 23185
757-253-6670
jamescitycountyva.gov

THIS EASEMENT AND DECLARATION OF COVENANTS, made this _____ day of _____,
20____, between _____,
and all successors in interest, (the "OWNER"), owner(s) of the following property:

Tax Map Parcel Identification Number(s): _____

Property Address: _____

Subdivision Name (or project name if not a subdivision): _____

Subdivision Lot Number (if known): _____,

and the County of James City, Virginia, a political subdivision of the Commonwealth of Virginia (the
"COUNTY").

WITNESSETH:

The OWNER, with full authority to execute deeds, mortgages, other covenants, and all rights, titles and interests in the property described above, does grant the COUNTY the following rights and hereby covenants with the COUNTY as follows:

1. The OWNER shall provide maintenance for the drainage system including any runoff control facilities, conveyance systems and associated easements, hereinafter referred to as the "SYSTEM," located on and serving the above-described property to ensure that the SYSTEM is and remains in proper working condition in accordance with approved design standards, and with the law and applicable executive regulations. The SYSTEM shall not include any elements located within any Virginia Department of Transportation right-of-ways.

2. If necessary, the OWNER shall levy regular or special assessments against all present or subsequent owners of property served by the SYSTEM to ensure that the SYSTEM is properly maintained.

3. The OWNER, at its sole expense, shall cause the SYSTEM to be inspected by a professional engineer licensed as such by the Commonwealth of Virginia, at such regular intervals as deemed necessary by the COUNTY. Such inspections shall either determine that the SYSTEM continues to meet the design specifications as shown on applicable plans, or else indicate what corrective measures must be taken to return the SYSTEM to the original design specifications. The OWNER shall provide a written copy of the inspection certified by the professional engineer to the COUNTY. The COUNTY shall not be bound by the inspection or recommendations of the professional engineer.

4. The OWNER shall provide and maintain perpetual access from public right-of-ways to the SYSTEM for the COUNTY, its agents and its contractors.

Prepared by (Name, Address, and Phone):

Return to:

JCC Attorney's Office
101-D Mounts Bay Road
Williamsburg, VA 23185
(757) 253-6612

5. The OWNER hereby grants the COUNTY, its agents and its contractors a right-of-entry to the SYSTEM for the purpose of inspecting, monitoring, operating, installing, constructing, reconstructing, maintaining or repairing the SYSTEM consistent with the rights granted by this Easement and Declaration of Covenants.

6. If, after reasonable notice by the COUNTY, the OWNER shall fail to maintain the SYSTEM in accordance with the approved design standards and with the law and applicable regulations, the COUNTY may perform all necessary repair or maintenance work and assess the OWNER and/or all property served by the SYSTEM for the cost of the work and any applicable penalties.

7. Any amounts incurred by the COUNTY in repairing or maintaining the SYSTEM under these covenants shall be an automatic lien on the above-described property.

8. The OWNER 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 SYSTEM.

9. The OWNER shall promptly notify the COUNTY when the OWNER legally transfers any of the OWNER responsibilities for the SYSTEM. The OWNER shall supply the COUNTY with a copy of any document of transfer executed by both parties.

10. The rights and covenants contained herein shall run with the land and shall bind the OWNER and the OWNER's heirs, executors, administrators, successors and assignees, and shall bind all present and subsequent owners of property served by the SYSTEM.

11. This Easement and Declaration of Covenants shall be recorded in the County Land Records.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the OWNER executed this EASEMENT AND DECLARATION OF COVENANTS as of the date first above written.

OWNER

Signature

Print Name and Title

ACKNOWLEDGMENT

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to wit:

I hereby certify that on this _____ day of _____, 20____, before the subscribed, a Notary Public for the Commonwealth of Virginia, personally appeared _____ and did acknowledge the foregoing instrument to be his/her Act.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 20____.

[PLACE NOTARY SEAL HERE]

Notary Public

Notary Registration Number: _____

My Commission Expires: _____

Approved as to form:

County Attorney

For Circuit Court Use Only