5010100008A

Return to:
County Attorney's Office
James City County
101-C Mounts Bay Road
Williamsburg, VA 23185

080 021746

CC040

COUNTY OF JAMES CITY, VIRGINIA

DECLARATION OF COVENANTS
INSPECTION/MAINTENANCE OF DRAINAGE SYSTEM

THIS DECLARATION, made this 21 day of August, 2008, between KCSA, and all successors in interest, ("COVENANTOR(S)"), owner(s) of the following property:

Parcel Identification Number: 5010100008A
Legal Description: Mounts Bay Rec Center
Project or Subdivision Name: Mount's Bay Recreation Center Improvements
Document No.
OR Deed Book 241, Page No. 608,
and the County of James City, Virginia ("COUNTY.")

WITNESSETH:

I (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 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 rights-of-way.

2. If necessary, the COVENANTOR(S) 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 COVENANTOR(S) shall provide and maintain perpetual access from public right-of-ways to the SYSTEM for the COUNTY, its agent and its contractor.

4. The COVENANTOR(S) shall grant the COUNTY, its agent and its contractor a right of entry to the SYSTEM for the purpose of inspecting, monitoring, operating, installing, constructing, reconstructing, maintaining or repairing the SYSTEM.

5. If, after reasonable notice by the COUNTY, the COVENANTOR(S) shall fail to maintain the SYSTEM in accordance with the approved design standards and with the law and applicable executive regulations, 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 SYSTEM 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 SYSTEM.

7. The COVENANTOR(s) shall promptly notify the COUNTY when the COVENANTOR(S) legally transfers any of the COVENANTOR(S)' responsibilities for the SYSTEM. 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 SYSTEM.

9. This COVENANT shall be recorded in the County Land Records.

IN WITNESS WHEREOF, the COVENANTOR(S) have executed this DECLARATION OF COVENANTS as of the date first above written.

COVENANTOR(S)
Robin D. Carson
Robin D. Carson
Print Name
President
Title

ACKNOWLEDGMENT

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF James City, to wit:

I hereby certify that on this 21 day of August, 2008, before the subscribed, a Notary Public for the Commonwealth of Virginia, personally appeared Robin D. Carson and did acknowledge the foregoing instrument to be his/her Act.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 21 day of August, 2008.

[SEAL]

Allison L Hayes
Notary Public

Notary Registration Number: 150666

My Commission expires: 4.30.2010

ALLISON M. HAYES
COMMONWEALTH OF VIRGINIA
NOTARY PUBLIC

COVENANTOR(S)

Douglas L. Haller

DOUGLAS L. HALLER
Print Name

TREASURER
Title

ACKNOWLEDGMENT

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF James City, to wit:

I hereby certify that on this 21 day of August, 2008, before the subscribed, a Notary Public for the Commonwealth of Virginia, personally appeared Douglas Haller and did acknowledge the foregoing instrument to be his/her Act.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 21 day of August, 2008.

[SEAL]

Allison Hughes
Notary Public

Notary Registration Number: 150666

My Commission expires: 4.30.2010

Approved as to form:

Adam Kinsman
County Attorney

This Declaration of Covenants prepared by:

Name:

Print Name: Jordan Anglin

Title: Project Engineer

Address: 5806 Mooretown RD
Williamsburg VA 23188

Phone Number: 757-812-2394

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 29 Aug 08 at 12:13 AM/PM. The taxes imposed by Virginia Code Section 58.1-801, 58.1-802 & 58.1-814 have been paid.

| STATE TAX | LOCAL TAX | ADDITIONAL TAX |
|---|---|---|
| $ | $ | $ |

TESTE: BETSY B. WOOLRIDGE, CLERK

BY: Betsy B. Woolridge Clerk

(drainage1.pre)