

SECTION G

COVENANTS FORMS

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COVENANTS

P.1 Maintenance Covenants

Whenever storm drainage facilities are to be maintained by a property owner's association within a subdivision, a covenant stating the property owners' specific maintenance responsibilities must be recorded on the plat and recorded against each lot in the subdivision. The covenant shall include the following or substantially similar language:

MAINTENANCE COVENANT

Easements are hereby granted for the installation, inspection, and maintenance of utilities and drainage facilities as delineated on the plat for subdivision _____ . No encroachment will be placed within the easements shown on the plat which may damage or interfere with the installation, inspection, and maintenance of utilities. Maintenance and expense thereof of the utilities and drainage facilities shall be the responsibility of the property owners association as established by covenant recorded under Auditor's file number _____ .

P.2 Sanctions for Failure to Maintain

If a property owner's association is to maintain drainage facilities, then the following or substantially similar words shall appear in the document creating the property owner's association:

In the event _____ (Project Proponent name) (or successors or the Property Owners Association), in the judgment of the County, fails to maintain drainage facilities within the plat, or if the Proponent or successors willfully or accidentally reduce the capacity of the drainage system or render any part of the drainage system unusable, the Proponent or successors agree to the following remedy: After 30 days notice by registered mail to the Proponent or successors, the County will assess financial sanctions (P.C.C. 18C.10.120) and /or initiate enforcement proceedings. In the event the County determines the lack of maintenance has resulted in a situation of imminent danger to life, limb or property, the County will correct the problem as necessary to restore the full design capacity of the drainage system. In this event, the County will bill the owners of the facility for all costs associated with such work to include engineering, administration, legal fees, construction, equipment and personnel. Costs or fees incurred by the County, including attorney's fees and expert's fees should legal action be required to collect such payments, shall be borne by the Proponent or successors.

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