

TOWN OF BLACKSBURG, VIRGINIA  
DECLARATION OF COVENANTS

INSPECTION/MAINTENANCE OF DRAINAGE SYSTEM

THIS DECLARATION OF COVENANTS, made this day \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_, between, \_\_\_\_\_ and all successors in interest, ("COVENANTOR(S)" and for indexing purposes, "Grantor"), owner(s) of the following property:

Parcel Identification Number: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Project or Subdivision Name: \_\_\_\_\_

Document No. \_\_\_\_\_

OR Deed Book \_\_\_\_\_, Page No. \_\_\_\_\_, and the TOWN OF BLACKSBURG, VIRGINIA ("TOWN" and for indexing purposes, "Grantee").

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 TOWN 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 applicable laws, ordinances and 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 TOWN, its agent and its contractor.

4. The COVENANTOR(S) shall grant the TOWN, 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 TOWN, the COVENANTOR(S) shall fail to maintain the SYSTEM in accordance with the approved design standards and with and applicable laws, ordinances and regulations, the TOWN may perform all necessary repair or maintenance work, and the TOWN 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 TOWN 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 TOWN when the COVENANTOR(S) legally transfers any of the COVENANTOR'S responsibilities for the SYSTEM. The COVENANTOR(S) shall supply the TOWN 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, ground lessees and sub-ground lessees of any portion of property served by the SYSTEM, until and unless these covenants are superseded by subsequent maintenance covenants or revoked in writing by all parties.

9. This DECLARATION OF COVENANTS shall be recorded in the Land Records of Montgomery County, Virginia.

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

COVENANTOR(S)

\_\_\_\_\_  
Print Name  
Title

ACKNOWLEDGMENT

COMMONWEALTH OF VIRGINIA  
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\_\_\_\_.

\_\_\_\_\_  
Notary Public

Registration Number: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

Accepted pursuant to Resolution 8-H-08:

TOWN OF BLACKSBURG

By: \_\_\_\_\_

*For use only if the property has additional more than one owner*

COVENANTOR

\_\_\_\_\_  
Print Name  
Title

ACKNOWLEDGMENT

COMMONWEALTH OF VIRGINIA  
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\_\_\_\_.

\_\_\_\_\_  
Notary Public

Registration Number: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_