

## Submittal Guide for Stormwater Maintenance Agreements/Covenants

rev. 6/21

1. Completely fill out the form and include all attachments.
2. Submit the original maintenance covenant. Copies of the signed document cannot be recorded.
3. The property owner's name, as shown on the title/deed, must be included in the space provided on page 1 of the maintenance covenant.

**THIS DECLARATION OF COVENANTS** ("Declaration") is executed as of (date signed), 20 ##, by (owners name as shown on deed) a (Individual, LLC, etc, as shown on deed), (hereinafter the "Declarant") with reference to the following facts:

4. Multiple features (swales, proprietary devices, etc.) can be listed on one maintenance covenant. List all stormwater treatment, LID, or trash control devices to be installed and indicate if it is a multi-purpose device. If it is a proprietary device, include name and model number/type.
  - C. Declarant has chosen to install (SWQ treatment, LID, Trash Capture device(s). List all and if multi-purpose. Include name and model number/type.), hereinafter referred to as the "Device," as the on-site control measure to minimize pollutants in urban runoff and/or trash treatment control device to minimize trash reaching waterways.
5. Signature requirements:
  - For private individuals: Proper names, as the individual holds title, must be printed or typed below the signature. The name must also be signed in full, exactly as on title/deed. If you are uncertain as to how the grantor is holding title/deed, refer to the preliminary title report or deed. The vesting is usually indicated on the second page of the title report.
  - For Companies, Corporations, LLCs, and General Partnerships: The entity name must be typed or printed above the signature block. Print or type the name and capacity/title of the principal below the signature.

The officer signing must have the authority granted him/her to convey property rights and interests. *Appropriate verification documentation must accompany the document.* For instance, as applicable: Articles of incorporation, corporate bylaws, Corporate Resolution, Operating agreement, Notarized trust certification, and certified copy of LP-1 of LLC-1 from Secretary of state.

DECLARANT:

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

Print Name: \_\_\_\_\_

Its: \_\_\_\_\_

- Authority To Execute: Each person executing this Covenant represents and warrants that he or she is duly authorized and has legal authority to execute and deliver this Covenant for or on behalf of the parties to this Covenant. Each signatory represents and warrants that the execution and delivery of the Covenant and the performance of such party's

obligations hereunder have been duly authorized. The property owner may, in writing, duly authorize an agent to execute this document on his/her/its behalf.

6. Notarize document using an all-purpose acknowledgement form. Make sure it is current.
7. **Exhibit A:** Legal Description of Subject Property. This does not have to be stamped and signed by a Registered Land Surveyor.
8. **Exhibit B:** Plat of Subject Property (with device locations indicated) This does not have to be stamped and signed by a Registered Land Surveyor or to scale. Include a northing arrow.
9. **Exhibit C:** Maintenance procedures specific to the device(s).
10. One maintenance covenant per project. All applicable APNs must be listed on the maintenance covenant. \*NOTE: If a previously recorded maintenance covenant exists, it will need to be superseded by an amendment.

### **Non Proprietary Devices**

Listed in the Stormwater Quality Design Manual in Chapter 5 under Treatment Control Measures:  
<https://www.beriverfriendly.net/newdevelopment/stormwaterqualitydesignmanual/>

### **Proprietary Devices**

<https://www.beriverfriendly.net/newdevelopment/propstormwatertreatdevice/>

All other devices require a pilot study per approval of the Stormwater Quality Section. Contact Archie Wright for details (916-874-8396) or [WrightAr@saccounty.net](mailto:WrightAr@saccounty.net). If a pilot study is selected, use the maintenance covenant for pilot studies.