

**DECLARATION FOR MAINTENANCE
of
STORMWATER FACILITIES**

THIS DECLARATION is made this ___ day of _____, 200 __, by **[entity]** at **[address]**, (“Declarant”), in favor of the Capitol Region Watershed District, a body with powers pursuant to Minnesota Chapters 103B and 103D (“CRWD”).

WHEREAS, Declarant(s) hold(s) fee interest in real property within the City of**[City]**, Ramsey County, Minnesota, platted and legally described as:

[insert legal description]

WHEREAS, no one other than Declarant(s) **[insert name(s) of any other parties holding interest in the property]** possess(es) any right, title or interest in the Property; **[If any person or entity other than Declarant possesses a right, title or interest, a Consent & Subordination must be executed by that person or entity and included with the declaration.]**

WHEREAS, the facilities on or to be located on the Property to which the maintenance requirements in the Declaration apply as labeled on the scaled site plan **[Attachment A]** are as follows (the Facilities):

[list stormwater facilities as labeled on Attachment A]

WHEREAS, Declarant desires to subject the Property to certain conditions and restrictions imposed by the CRWD as a condition to issuance of CRWD Permit # _____ for the mutual benefit of the CRWD and Declarant.

NOW THEREFORE Declarant makes this declaration and hereby declares that this declaration shall constitute covenants to run with the Property, and further declares that the Property shall be owned, used, occupied, and conveyed subject to the covenants and restrictions set forth in this declaration, all of which shall be binding in perpetuity on all persons owning or acquiring any right, title or interest in the Property, and their heirs, successors, personal representatives and assigns, but only during the period of ownership of that right, title or interest.

1. Declarant will inspect the Facilities at least annually.
2. Declarant will maintain and repair the facilities:
 - a. In the case of basins and other facilities where sediment collects, to preserve storage or capacity at or above the design volume or, where no design storage volume or capacity is incorporated into the permit, the volume or capacity recommended by the manufacturer.

b. In the case of conveyances and other structures, to preserve design hydraulic capacity.

c. In the case of facilities relying on soils and vegetation for stormwater management or treatment, to preserve healthy vegetation and design soil permeability.

d. In the case of all facilities, as necessary to preserve the integrity and intended function of the facility.

3. Declarant will submit annually, a report to include inspection dates, facility conditions, and corrective actions taken.

4. If Declarant fails to perform required maintenance to stormwater facilities resulting in deviation from the designed treatment performance or efficiency, the CRWD may notify Declarant of this deficiency. If Declarant has not completed or scheduled corrective action within 60 days of receipt of notification, the CRWD may perform any action deemed necessary to return full design function and treatment performance to the stormwater treatment facility. The Declarant shall be responsible for reimbursement of all costs incurred from such activity including but not limited to administrative overhead and attorney's fees.

5. Any notice under this declaration shall be sent by certified mail, return receipt requested, or delivered to the following address:

[insert Declarant's name & address]

Declarant may change this address by a certified letter to the CRWD referencing the permit number.

6. If Declarant, its successors or assigns, materially changes use of the Property so that the Facilities which are the subject of this Declaration are rendered unnecessary, or are replaced by other Facilities approved by the CRWD, its successors or assigns, this Declaration shall become void and of no further force or effect.

7. An executed copy of this declaration shall be filed with Ramsey County Registrar, filing cost to be borne by the Declarant. This declaration will be unlimited in duration without being re-recorded.

**[INDIVIDUAL DECLARANT]
DECLARANT**

The foregoing instrument was acknowledged before me this _____ day of _____, 200__ by

_____.

Notary

(stamp)

**[CORPORATE OR PARTNERSHIP DECLARANT]
DECLARANT**

By: _____

Its: _____

The foregoing instrument was acknowledged before me this ___ day of _____, 200__ by _____ the _____ of _____, a [business entity] under the Laws of Minnesota, on behalf of Declarant.

Notary

(stamp)

This instrument was drafted by:

Name: _____

Address: _____

CONSENT AND SUBORDINATION

_____, a Minnesota corporation, the holder of a mortgage dated _____, _____, [filed for record with the County Recorder] Ramsey County, Minnesota on _____, as Document No. _____, hereby consents to the recording of the attached Declaration and agrees that its rights in the property affected by the Declaration shall be subordinated thereto.

IN WITNESS WHEREOF, _____, a Minnesota corporation, has caused this Consent and Subordination to be executed this _____ day of _____, 200__.

a Minnesota corporation

By: _____

Its: _____

[notary acknowledgement]