

**DECLARATION FOR MAINTENANCE  
of  
STORMWATER FACILITIES**

**THIS DECLARATION** (“Declaration”) is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_(Company), a \_\_\_\_\_ (“Declarant”) in favor of the Carnelian-Marine-St. Croix Watershed District (“District”), a special purpose governmental subdivision with powers set forth in Minnesota Statutes Chapters 103B and 103D.

**RECITALS**

**WHEREAS**, Declarant is the owner of real property within Washington County, Minnesota, legally described as:

[legal description from most recent Deed]

(the “Property”) and no one other than Declarant(s) possess(es) any right, title or interest in the Property; and

**WHEREAS**, the Property constitutes the entirety of the land to which District Permit #\_\_\_\_\_ applies; and

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

**NOW, THEREFORE**, Declarant makes this Declaration and hereby declares that this Declaration constitutes covenants to run with the Property in perpetuity, and further declares that the Property will be owned, used, occupied and conveyed subject to the covenants, restrictions, easements, charges and liens set forth in this Declaration, all of which bind all persons owning or acquiring any right, title or interest in the Property, and their heirs, successors, personal representatives and assigns.

**1. Stormwater Management Facility Maintenance.** The terms of this paragraph apply to each facility located on the Property delineated and labeled on Attachment A, attached hereto and incorporated herein, as follows:

## **Bioretention Basin**

- a. Declarant will inspect the facility at least annually.
- b. Declarant will maintain and repair the facility:
  - (i) Where sediment and debris collect, to preserve live storage or capacity at or above the design volume and so that the facility continues to operate as designed and erosion or structural problems are corrected.
  - (ii) Preserve healthy soils and vegetation and soil permeability.
- c. Declarant will inform the District of facility conditions, actions taken, and dates of actions taken if facilities are in need of repair or maintenance.

**3. Deficiency.** If Declarant is not maintaining a stormwater management facility in accordance with this section, the District may give written notice to Declarant detailing the deficiency. If the deficiency has not been corrected within twenty (20) days after receipt of notice, or Declarant has not within that period made arrangements deemed adequate by the District for the deficiency to be corrected, then the District without further notice may take steps it deems reasonable to correct the deficiency, and may have access to the property during reasonable times for that purpose, provided, that the District will provide notice before entry and exercise due care to avoid unnecessary disturbance or damage to the property. Within thirty (30) days of receipt of invoice Declarant will reimburse the District for costs incurred to correct the deficiency, including, but not limited to, administrative and consultant costs and attorneys' fees.

**4. Notice.** Any notice under this Declaration will be sent by certified mail, return receipt requested, or delivered to the address shown for the owner at the Washington County Property Tax Records Department.

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

**5. Covenant of Authority.** The person signing this Easement on behalf of the Grantor of the property described in Exhibit "A" hereby warrants that he or she has full legal authority to sign on behalf of the \_\_\_\_\_ [*type of entity*] and that such signature shall be binding on the Grantor. The signer also personally guarantees that the \_\_\_\_\_ [*type of entity*] is in good standing in its state of incorporation as well as under the laws of the State of Minnesota.



**Attachment A**

**[site plan / map with all stormwater management facilities labeled]**