

**SURFACE WATER MANAGEMENT DESIGNATION
AND
DECLARATION OF RESTRICTIVE COVENANTS**

THIS Surface Water Management Designation and Declaration of Restrictive Covenants made this ____ day of _____, 20____, by _____ whose address is _____ hereinafter referred to as “Property Owner”

WITNESSETH:

WHEREAS, Property Owner is the fee title owner of certain lands lying and being in _____, Broward County, Florida, as described in Attachment “A”, attached hereto and made a part hereof, hereinafter referred to as “Property” and which is also known by Broward County Property Appraiser’s Folio No. _____; and,

WHEREAS, Property Owner seeks to place certain restrictions on the proposed development which will conform to the level of service for drainage as required by the Broward County Land Development Code, Chapter 5, Article IX, Broward County Code of Ordinances; and,

WHEREAS, the _____ is relying upon this designation and covenant in issuance of a building permit for the property and the Central Broward Water Control District (“District”) is relying upon this designation and covenant in representing to the _____ that the proposed development meets Broward County’s level of service for drainage; NOW, THEREFORE,

The Property Owner hereby declares that the Property shall hereafter be held, maintained, transferred, sold, conveyed, and owned subject to the following designation and restrictive covenants:

1. **RESTRICTIONS:**

- A. A surface water management area for the storage and flowage of surface water to meet Broward County’s level of service standards is hereby established over, across and through the portion of the Property described in Attachment “B” (“Water Management Area”).
- B. Property Owner acknowledges that the Property Owner is responsible for maintenance of the entire surface water management area designated by this document and that this area shall be designed, developed and maintained in accordance with the requirements of the District to ensure that the water management area provides for the retention of surface water to meet the applicable level of service standards.

2. **COVENANT RUNNING WITH THE LAND:** this Restriction and Declaration shall run with the land described in Attachments “A” and “B” and shall be binding on all parties and all persons acquiring title to the Property.
3. **ENFORCEMENT:** The _____ through its _____, its successors and assigns, and the District are the beneficiaries of this Declaration and Restriction; and as such, either the County, the District or the municipality, or any of them, may enforce the terms of this Declaration by an action at law or in equity against any person or persons, entity or entities, violating or attempting to violate said terms. Furthermore, violations of this Designation and restriction shall be contrary to the development permit issued for the development of the Property, and as such, shall constitute a violation of Chapter 5, Article IX, the Broward County Land Development Code, Broward County Code of Ordinances, and may be enforced in any manner that a violation of a county ordinance may be enforced.
4. **AMENDMENT:** This Designation and Restriction may be released in part or in whole by the District upon a determination that the applicable level of service has been reduced or that the construction of additional drainage facilities reduces the need for on-site surface water management applicable level of service has been reduced or that the construction of additional drainage facilities reduces the need for on-site surface water management areas.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year first above written. Signed, sealed and delivered in the presence of:

PROPERTY OWNER

Witness signature

Signature

Witness printed name

Printed Name

Witness signature

Witness printed name

Witness signature

Witness printed name

Signature

Printed Name

Witness signature

Witness printed name.

STATE OF _____
COUNTY OF _____

Before me personally appeared _____ to me personally known or who produced _____ as identification and who acknowledged before me that he/she executed the foregoing instrument for the uses and purposes therein stated.

WITNESS my hand and seal in the County and State last aforesaid this _____ day of _____, 20____.

My Commission Expires:

Notary Public

ATTACHMENT "A"

(LEGAL DESCRIPTION OF PROPERTY BEING DEVELOPED)

ATTACHMENT "B"

(LEGAL DESCRIPTION OF SURFACE WATER MANAGEMENT AREA)

As shown on the attached sketch.