

**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/detention 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.

(Signature Page to Follow)

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 OWNERS

WITNESS

SIGNATURE

Print Name

Print Name

Address: _____

WITNESS

SIGNATURE

Print Name

Print Name

Address: _____

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT, ANY PUBLIC OFFICER, TRUSTEE, OR PERSONAL REPRESENTATIVE:

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ by
(Date)

_____, for
(Name of Officer, Trustee, Attorney in fact)

_____. He/She is personally
(Name of party on behalf whom the instrument is being executed)

known to me or has produced _____ as
(Type of Identification)

identification.

(Notary Signature)

(Name typed, printed or stamped)

(Title or rank)

(Serial number, if any)

FOR A CORPORATION:

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ by _____ of _____, _____ of _____ a _____ corporation, on behalf of the corporation. He/She is personally known to me or has produced _____ as identification.

(Date)
(Name of Member, Manager, Officer or Agent) (Title of Member, Manager, Officer or Agent)
(Name of Corporation Acknowledging) (State or Place of Formation)
(Type of Identification)

(Notary Signature)

(Name typed, printed or stamped)

(Title or rank)

(Serial number, if any)

FOR A LIMITED LIABILITY COMPANY:

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ by _____ of _____, _____ a _____

(Date)

(Name of Member, Manager, Officer or Agent) *(Title of Member, Manager, Officer or Agent)*

(Name of Company Acknowledging) *(State or Place of Formation)*

Limited Liability Company, on behalf of the company, who is personally known to me or who has produced _____ as identification.

(Type of Identification)

(Notary Signature)

(Name typed, printed or stamped)

(Title or rank)

(Serial number, if any)

FOR A PARTNERSHIP:

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ by _____, partner (or agent) on behalf of _____ a partnership.

He/She is personally known to me or has produced _____ as identification.

(Notary Signature)

(Name typed, printed or stamped)

(Title or rank)

(Serial number, if any)

ATTACHMENT "A"

(LEGAL DESCRIPTION OF PROPERTY BEING DEVELOPED)

ATTACHMENT "B"

(LEGAL DESCRIPTION OF SURFACE WATER MANAGEMENT AREA)

As shown on the attached sketch.