

October 11, 2016

RESUME

RESOLUTION; AUTHORIZATION FOR CHAIRMAN  
TO EXECUTE STORMWATER DECLARATION OF COVENANTS  
FOR CARSON VFD

In order to close out the Carson VFD permit with the Virginia Department of Environmental Quality (VA DEQ), a Declaration of Covenants must be signed by the County in reference to the stormwater facilities on the subject property.

The contract was developed and agreed upon by the County and VA DEQ in 2014 during the construction. The contract has been reviewed by the County Attorney, as to form.

With the Board's approval, the Chairman will execute the document. The document will be sent to the contractor, Evans Construction, for full packet submittal to the VA DEQ to close the permit at Carson VFD.

Board of Supervisors  
County of Prince George, Virginia  
Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia this 11<sup>th</sup> day of October, 2016:

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Present:

Vote:

William A. Robertson, Jr., Chairman  
Jerry J. Skalsky, Vice-Chairman  
Alan R. Carmichael  
Donald R. Hunter  
T. J. Webb

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C-4

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, which carried unanimously, the following Resolution was adopted:

RESOLUTION; AUTHORIZATION FOR CHAIRMAN  
TO EXECUTE STORMWATER DECLARATION OF COVENANTS  
FOR CARSON VFD

WHEREAS, In order to close out the Carson VFD permit with the Virginia Department of Environmental Quality (VA DEQ), a Declaration of Covenants must be signed by the County in reference to the stormwater facilities on the subject property; and

WHEREAS, The contract was developed and agreed upon by the County and VA DEQ in 2014 during the construction. The contract has been reviewed by the County Attorney, as to form.

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of Prince George County this 11<sup>th</sup> day of October, 2016 does hereby authorize the Chairman to execute the Stormwater Declaration of Covenants for Carson Volunteer Fire Department.

A Copy Teste:

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Percy C. Ashcraft  
County Administrator

This Declaration Prepared by:  
Steven L. Micas, County Attorney  
Prince George, VA 23875

Exempt from Taxation and Recordation Fees  
Imposed by Sections 58.1-801 and 8.1-802  
by Sections 58.1-811 A-3, 58.1-811 C/4 and 25.1-418

## **DECLARATION OF COVENANTS**

### **INSPECTION AND MAINTENANCE OF BMPS AND STORM WATER MANAGEMENT FACILITIES – CARSON VFD**

THIS DECLARATION, made this \_\_\_ day of October, 2016 between the County of Prince George as Owner of the following described property and all successors in interest, (“COUNTY,”) Carson Volunteer Fire Department, 19806 Halifax Road, Carson, Virginia, 23830, parcel ID# 620(0A)00-014-0 on which best management practices, (“BMPs”), or stormwater management facilities, (“SWM Facilities”), used to control stormwater runoff have been or will be constructed and the COMMONWEALTH OF VIRGINIA, DEPARTMENT OF ENVIRONMENTAL QUALITY (“DEQ”)

#### **WITNESSETH:**

The COUNTY, with full authority to execute covenants, and all other rights, titles and interests in the property described above, does hereby covenant with the DEQ as follows:

1. The COUNTY shall provide periodic maintenance of the BMPs and SWM Facilities located on the above-described property to ensure that the BMPs and SWM Facilities are and remain in proper working condition in accordance with the approved design standards and with applicable legal requirements that may exist now or in the future. Such BMPs and SWM Facilities shall be and remain the property of the COUNTY.
2. The COUNTY shall provide and maintain perpetual access from public rights-of-way to the BMPs and SWM Facilities for the DEQ, its agents and its contractors.
3. The COUNTY shall grant the DEQ, its agents and its contractors, a right of entry providing ingress and egress to the BMPs and SWM Facilities for the purpose of inspecting, maintaining or repairing the BMPs and SWM Facilities, as necessary.
4. If, after reasonable notice by the DEQ, the COUNTY fails to maintain the BMPs and SWM Facilities to control stormwater runoff in accordance with any requirements of the County Code, State law or this Agreement, the DEQ may perform all necessary repair or maintenance work, and the DEQ may assess the COUNTY and all property served by the BMPs and SWM Facilities for the cost of the work.

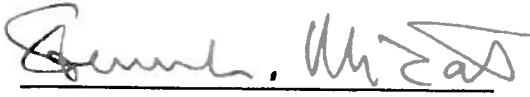
5. The DEQ and its agents and employees shall have the right to relocate any BMPs and SWM Facilities and to make additions, extensions, alterations, and substitutions therein, including the right to install additional lines as the DEQ may from time to time deem advisable or expedient subject to COUNTY approval and consistent with local zoning and development standards. The DEQ or its agents and employees shall have the right to alter or remove any animals or any structures, obstructions whether, natural or artificial, that are located on the property and that in any way interfere with the proper and efficient construction, operation, or maintenance of the BMPs and SWM Facilities subject to COUNTY approval and consistent with local zoning and development standards.
6. From time to time, the DEQ shall have the right to require the COUNTY to submit in writing to the DEQ an inspection report detailing the condition of the various functioning parts of the BMPs and SWM facilities.
7. If necessary, the County Administration will recommend that the Board of Supervisors levy a regular or special assessment against all present or subsequent owners of property served by the BMPs and SWM Facilities to ensure that the BMPs and SWM Facilities are properly maintained.
8. The COUNTY shall promptly notify the DEQ when the COUNTY legally transfers any of the responsibilities for the BMPs and SWM Facilities. The COUNTY shall supply the DEQ with a copy of any document of transfer, executed by both parties.
9. The covenants contained herein shall run with the land and shall inure to the benefit of and bind the COUNTY and the administrators, successors and assignee and shall bind all present and subsequent owners of property served by the BMPs and SWM Facilities as long as they own an interest in the property.
10. The parties herein expressly do not intend by execution of the Declaration to create in the public or any member thereof any rights as a third-party beneficiary or authorize anyone but a party to this Declaration to maintain a suit for any damages pursuant to the terms and provisions of this Declaration.
11. This COVENANT shall be recorded in the Circuit Court of the County of Prince George.

IN WITNESS WHEREOF, the COUNTY has executed this DECLARATION OF COVENANTS as of this \_\_\_ day of October, 2016.

THE COUNTY OF PRINCE GEORGE,  
VIRGINIA a political subdivision of the Commonwealth of  
Virginia

By: \_\_\_\_\_  
William A. Robertson, Jr., Chairman  
Prince George Board of Supervisors

APPROVED AS TO FORM:



Steven L. Micas  
County Attorney for  
Prince George, Virginia

COMMONWEALTH OF VIRGINIA

COUNTY OF PRINCE GEORGE, to-wit:

The foregoing instrument was acknowledged before me in my County and State aforesaid by William A. Robertson, Jr., Chairman of the Prince George County Board of Supervisors and Steven L. Micas, County Attorney for Prince George County, Virginia, a political subdivision of the Commonwealth of Virginia, this \_\_\_ day of October, 2016.

My commission expires:

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Notary Public