

[FOR USE WHEN OWNER IS AN LLC]

AFTER RECORDING RETURN TO: City of Atlantic Beach
800 Seminole Road
Atlantic Beach, FL 32233

PROJECT ADDRESS: _____ **REAL ESTATE #** _____

DECLARATION OF STORMWATER RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, _____, a Florida limited liability company (hereinafter "Owner"), whose address is _____, is the fee simple owner of that certain property situated and being in the City of Atlantic Beach, Duval County, Florida, more particularly described on Exhibit A attached hereto and made a part hereof (hereinafter "Property"); and

WHEREAS, Owner desires to utilize said Property as a building site; and

WHEREAS, a certain onsite stormwater storage facility must be constructed and maintained on the Property in accordance with the Code of Ordinances of the City of Atlantic Beach, Florida.

NOW, THEREFORE, Owner does hereby declare as follows:

1. That the Property will not be used in violation of any ordinances of the City of Atlantic Beach now in effect or hereinafter enacted.
2. That the onsite stormwater storage facility, constructed in accordance with that certain approved site plan, dated _____, 20____, as shown on Exhibit B attached hereto and made a part hereof, and depicted on that certain post-construction survey dated _____, 20____, as shown on Exhibit C attached hereto and made a part hereof, documenting proper construction and required volume of storage (hereinafter the "onsite stormwater storage facility"), shall be maintained in good working order, condition and repair and clear of all debris, at the Owner's sole expense, at all times.
3. That Owner shall allow representatives of the City of Atlantic Beach, following reasonable notice to Owner, access and entry onto the Property for the purpose of inspecting the onsite stormwater storage facility as more particularly described in said Exhibits B and C, to determine compliance therewith and the applicable Code provisions of the City.
4. That this covenant is intended and shall constitute a restrictive covenant concerning the use, enjoyment and title to the Property and shall constitute a covenant running with the land and shall be binding upon the Owner and Owner's heirs, personal representatives, successors and assigns and may only be released by a written and properly recorded document executed by the City of Atlantic Beach, or its successor, in accordance with the ordinance of said City then in effect.

IN WITNESS WHEREOF, the undersigned, who warrants he/she is a Managing Member of Owner and is duly authorized to execute this Declaration on behalf of Owner and to bind Owner to the covenants set forth herein, has caused his/her hand and seal to be affixed hereto this _____ day of _____, 20____.

OWNER:	OWNER:
(Signature) _____	(Signature) _____
(Print name) _____	(Print name) _____

**STATE OF FLORIDA
COUNTY DUVAL**

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ who is the _____ of _____, and is personally known to me or has produced _____ as identification.

My Commission expires:

NOTARY PUBLIC, State of Florida