

DECLARATION OF EASEMENT(S)

THIS DECLARATION OF EASEMENT(S) made this ____ day of _____ 20____
by _____ (Grantor).

WHEREAS, the Grantor covenants it is the owner-in-fee of a certain tract or parcel of land situated in the City of Chesapeake, Virginia, more particularly described as (include legal description):

ALL THAT

_____;

IT BEING the same property conveyed to the Grantor by deed from _____, dated _____, and recorded in the Clerk’s Office of the Circuit Court of the City of Chesapeake, Virginia, in Deed Book _____, at page _____;

WHEREAS, the Grantor wishes to create perpetual, nonexclusive, private drainage easement(s) for the benefit of the lots and parcels shown on the subdivision plat for “_____” recorded in the Clerk’s Office of the Circuit Court of the City of Chesapeake, Virginia, in Deed Book _____, at page _____, which easement(s) shall be for the purpose of installation and maintenance of private storm drainage facilities and for the collection and transmission of private storm water through and across the area designated "private drainage

easement" on said plat and/or shown on the attached sketch marked "Exhibit A," entitled " _____."

NOW, THEREFORE, in consideration of the mutual benefits accruing to the Grantor and to future owners of the lots and parcels hereinabove described, the Grantor does hereby declare, create and constitute a perpetual, nonexclusive, private drainage easement over and across the side and rear of lot(s) _____ through ____ inclusive, as shown on the subdivision plat and/or exhibit referenced above, for the purposes referenced in the recital clauses of this document which are incorporated herein by reference.

The private drainage easement(s) is for the purpose of conveying storm water drainage from upstream and adjacent lots. Grantor, its successors, and assigns shall not use the private drainage easement in any way that will impair the rights of others to use it, and shall not obstruct drainage thereon.

Maintenance shall be the responsibility of the above referenced lot owners unless the City expressly accepts the easement for public use. The owners of the above referenced lot(s) shall have the right to inspect the said drainage easement and to cut and clear all undergrowth and other obstructions within the said drainage easement thereto that may in any way endanger or interfere with the proper use of the same.

The private drainage easement(s) shall run with the land and shall be for the benefit and use of the owners of the lots and parcels shown on the subdivision plat referenced above, their heirs and assigns, and for the benefit and use of the Grantor and its heirs, successors and assigns.

By execution of this Declaration of Easement, the Grantor warrants that all approvals and releases which must be secured from interested parties, including but not limited to, noteholders

and trustees, necessary to make this conveyance have been obtained, and the signer of this document warrants that (s)he has due authority to bind Grantor.

WITNESS the following signatures and seals:

_____ (SEAL)

COMMONWEALTH OF VIRGINIA
CITY OF CHESAPEAKE, to-wit:

I, the undersigned, a Notary Public in and for the Commonwealth of Virginia, do hereby certify that _____
_____, whose name(s) is/are signed to the foregoing deed, dated the ____ of _____, 20____, have acknowledged before me this _____ day of _____, 20_____.

_____ (SEAL)
Notary Public

My commission expires: _____ Registration No: _____