

SAMPLE

**DECLARATION OF COVENANTS AND RESTRICTIONS
FOR THE
{Name of Project}**

THIS DECLARATION made this _____ day of _____, 200,
by _____ (*applicant name*), (“Declarant”).

RECITALS

1. WHEREAS, Declarant is the owner of the real property described in Exhibit “A” attached hereto and by this reference incorporated herein as the “Property”, and desires to {create restore, *enhance or preserve*} thereon wetlands to be maintained in accordance with the Permit Number approved by the Oregon Department of State Lands (“Department”);

2. WHEREAS, Declarant desires to provide for the preservation and enhancement of the wetland values of the Property and for the maintenance and management of the Property and improvements thereon, and to this end desires to subject the Property to the covenants, restrictions, easements and other encumbrances hereinafter set forth, each and all of which is and are for the benefit of the Property.

NOW, THEREFORE, the Declarant declares that the Property shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements and other encumbrances hereinafter set forth in this Declaration. These restrictions cannot be released unless authorized by the Department.

**ARTICLE 1
DEFINITIONS**

1.1 “Declaration” shall mean the covenants, restrictions, and all other provisions set forth in the Declaration of Covenants and Restrictions.

1.2 “Declarant” shall mean and refer to _____ (*applicant name*), its successors or assigns.

1.3 “Removal fill permit” shall mean the final document approved by the Department that formally establishes the wetland *mitigation and/or preservation area* and stipulates the terms and conditions of its construction, operation and long-term management.

1.4 “Property” shall mean and refer to all real property subject to this Declaration, as more particularly set forth in Exhibit “A”.(an exhibit of conservation area must be attached)

ARTICLE 2

PROPERTY SUBJECT TO THIS DECLARATION

The real property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located in _____County, Oregon and is more particularly described in Exhibit “A”. (*Exhibit “A” should be a survey and legal description.)

ARTICLE 3

GENERAL PLAN OF DEVELOPMENT

Declarant currently manages the site for the purpose of wetland mitigation or preservation. Current management is in accordance with Permit Number _____.

ARTICLE 4

USE RESTRICTIONS AND MANAGEMENT RESPONSIBILITIES

The Property shall be used and managed for wetland mitigation or preservation purposes in accordance with Permit Number _____. Declarant and all users of the Property are subject to any and all easements, covenants and restrictions of record affecting the Property.

· * *(Insert Covenants here. List, by number, all of the reserved rights and things not allowed in the conservation area. See following examples)*

1. There shall be no removal, destruction, cutting, trimming, mowing, alteration or spraying with biocides of any vegetation in the Property, nor any disturbance or change in the natural habitat of the Property.
2. There shall be no agricultural, commercial, or industrial activity undertaken or allowed in the Property; nor shall any right of passage across or upon the Property be allowed or granted if that right of passage is used in conjunction with agricultural, commercial or industrial activity.
3. No domestic animals shall be allowed on the Property.
4. There shall be no filling, excavating, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock minerals or other materials, nor any dumping of ashes, trash, garbage, or of any other material, and no changing of the topography of the land of the Property in any manner.

5. There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards, or other advertising material, or other structures on the Property.

ARTICLE 5
RESOLUTION OF DOCUMENT CONFLICTS

In the event of any conflict between this Declaration and Permit Number _____, the permit shall control.

IN WITNESS WHEREOF, the undersigned being Declarant herein, has executed this instrument this _____ day of _____, 19_____.

Your firms name
 _____ County, Oregon

By: _____

Title: _____

STATE OF OREGON)
)
 County of _____) ss:

This instrument was acknowledged before me on _____ (date) by
 _____ (name of person) as _____
 _____ (title) of Your firms name of
 _____ County, Oregon.

 Signature of Notarial Officer

My Commission Expires: _____