

DO NOT WRITE IN SHADED AREAS

THIS FORM MUST BE SIGNED BY THE DEQ BEFORE FILING WITH THE LOCAL COUNTY REGISTER OF DEEDS

DECLARATION OF RESTRICTIVE COVENANT

Completion of this form is required under the authority of Part 115, Solid Waste Management, the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended, Michigan Compiled Laws Annotated. Completion of this document is required in order to obtain a site specific designation of inertness or approval pursuant to Part 301, Inland Lakes and Streams, of the NREPA.

THIS INDENTURE made the ___(DAY)___, day of _____(MONTH)_____, 20(YEAR) by and between, _____(LANDOWNER)_____, whose address is _____(MAILING ADDRESS)_____, and the Director of the Michigan Department of Environmental Quality for and on behalf of the state of Michigan whose address is PO Box 30241, Lansing, MI 48909-7741.

WHEREAS, application for a site specific designation of inertness under provisions of Part 115 or approval for disposal pursuant to Part 301, for the purpose of placing, managing, maintaining dredged materials removed from the (NAME OR N/A)_River/Lake upon lands situated in the Township of ___(TOWNSHIP)_____, County of ___(COUNTY)_____, more particularly described as

The legal description of the land upon which this restrictive covenant is imposed is set forth in Attachment A. Attachment A also contains a map depicting the following:

- a. the property boundary,
- b. the boundary of the land upon which the restrictive covenant is imposed, as described in Attachment A, with Metes and Bounds for each section of traverse labeled,

has been properly made by the _____(LANDOWNER)_____; and

WHEREAS, the Director of the Department of Environmental Quality will contemporaneously issue a site specific designation of inertness or approval for disposal pursuant to Part 301; and

WHEREAS, Part 115, R 299.4116 or R 299.4110(d), requires that at the time of issuance of a site specific designation of inertness or for disposal pursuant to the provisions of Part 301, an instrument which imposes a restrictive covenant upon the land involved shall be executed by all the owners of the tract of land upon which the dredged materials are placed.

NOW THEREFORE, _____(LANDOWNER)_____, do for themselves, their heirs, successors, lessees, or assigns declare, covenant, and agree:

1. That the lands hereinbefore described have been or will hereafter contain dredged material, and that neither they, nor their servants, agents, employees, nor any of the heirs, successors, lessees or assigns shall (or shall by their leave or sufferance permit others to) engage in filling, grading, excavating, developing a drinking water well, drilling, or mining of the lands and premises above described, unless written authorization therefore is obtained from the Director of the Department of Environmental Quality and that the State of Michigan or any municipality may in addition to any other remedy available at law bring an action for an injunction or other process against any person, county, or municipality to restrain or prevent any violation of the restrictive covenant hereby imposed upon the subject premises.
2. That at the time of the sealing and delivery of this instrument, the above described premises are free from all encumbrances (other than liens, mortgages, judgement liens, mechanics' liens, accrued or unpaid taxes, leases other than mineral leases, or other security interests).

