

Michigan Department of
Environmental Quality
Water Bureau

RESTRICTIVE COVENANT RUNNING WITH THE LAND

THIS INDENTURE made the _____ day of _____,
2005, by, whose address is _____ ("grantors").

WITNESSES THAT:

WHEREAS, the _____, has applied for a groundwater discharge permit under Part 31 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended (Act 451) being Sections 324.3101 through 324.3119 of the Compiled Laws of Michigan, and the Administrative Rules promulgated thereunder et seq, for the purpose of obtaining a permit to discharge treated wastewater into the groundwaters of the State, under lands situated in the Township of _____, County of _____, to-wit:

WHEREAS, the Michigan Department of Environmental Quality will issue such permit contemporaneous with execution of this restrictive covenant; and

WHEREAS, that permit requires that an instrument imposing a restrictive covenant upon the land involved be executed by all owners of any land lying above any portion of the aquifer impacted by the groundwater discharge; and

**[]

WHEREAS, the grantors have granted an easement to the _____ to discharge wastewater which will impact the groundwater flowing through and under the lands described above ("the land").

**[]

NOW THEREFORE, for consideration of the sum of _____ dollar(s), receipt of which is hereby acknowledged, grantors agree:

**[]

1. That they have granted an easement to the _____, pursuant to which the _____ may discharge treated wastewater into the groundwaters that flow underneath the land.

2. That the is, contemporaneous with entry of this document, receiving authorization to discharge treated wastewater to the groundwaters which flow underneath the land pursuant to a permit issued by the Michigan Department of Environmental Quality.

3. That the above-described groundwater will be impacted by the discharge of treated wastewater and may not be useable for drinking water or other purposes.

4. That any use of the impacted groundwater is prohibited unless approved in writing by the Director of the Michigan Department of Environmental Quality or the Director's authorized representative.

5. That they will not drill or develop any water well on the land without prior written approval of the Director of the Michigan Department of Environmental Quality or the Director's authorized representative.

6. That this Restrictive covenant shall be binding upon the grantors and all successors, assigns, heirs, and lessees.

7. That at the time of executing this document the land is free from all encumbrances.

8. That this restrictive covenant shall not be modified, suspended, terminated or revoked without the express written authorization by the Director of the Michigan Department of Environmental Quality or the Director's authorized representative.

9. That the State of Michigan or any other governmental unit may, in addition to any other available remedy, bring an action to enforce this restrictive covenant, or to restrain or prevent any violation of this restrictive covenant.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this ____ day of _____, 2005.

GRANTOR :

Signature

WITNESSES :

Signature

Signature

STATE OF MICHIGAN)

ss

COUNTY OF)

Subscribed and sworn to before me this ____ day of
_____, 1991.

, Notary Public
County, Michigan
My comm. expires:_____