*NOTE: Please correct or fill in blanks for all red, underlined text. A separate notice must be executed for each lot. They should be recorded along with the subdivision map. The original deed to the first buyer should include a statement that the property is conveyed subject to that certain Notice of Restriction— Stormwater Treatment Area.*

RECORDING REQUESTED BY AND

WHEN RECORDED MAIL TO:

City of Menlo Park

701 Laurel Drive

Menlo Park, CA 94025

Attention: Jennifer Ng

**NOTICE OF RESTRICTION—STORMWATER TREATMENT AREA**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, *“an individual” or “a California corporation\limited partnership”,* being the owner of record of the certain real property described as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(address if assigned),* \_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(Assessor’s Parcel Number if assigned)* as shown on the subdivision map entitled, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and designated in the records of the San Mateo County Recorder as No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_\_\_ in Book \_\_\_\_\_ of Maps at pages \_\_\_\_\_\_\_, hereby places the following covenant, condition and restriction on title to the above property:

1. The above described lot has a stormwater treatment area in the yard that has been installed to meet C.3 Stormwater Quality requirements. The stormwater treatment area shall be built per City-approved plans and shall be maintained in perpetuity by the owner of said lot, and shall not be altered without the prior written approval of the City of Menlo Park. The stormwater treatment area, with location and dimensions, is further described and shown on the Stormwater Treatment Exhibit attached hereto and incorporated herein by this reference.
2. The owner shall, on an annual basis, conduct a minimum of one inspection of the stormwater treatment measure(s) before the wet season. This inspection shall occur between August 1st and October 1st of each year. The owner shall pay all costs and expenses of the inspection(s). The results of inspections shall be recorded on the Treatment Measure Operation and Maintenance Inspection Report (annual report) and Treatment Measure Checklist (annual report attachment). One Checklist shall be completed for each treatment measure. The annual report shall be made under penalty of perjury and shall be submitted to the City in order to verify that inspection and maintenance of the applicable stormwater treatment measure(s) have been conducted pursuant to this agreement. The owner shall provide in the annual report a record of the volume of all accumulated sediment removed as a result of the treatment measure(s). The reporting period shall be the calendar year and the annual report shall be submitted *no later than January 10 of the following year*. It shall be delivered to the Stormwater Coordinator, Engineering Division, City of Menlo Park, 701 Laurel St., Menlo Park, CA 94025 or another member of the City staff as directed by the City.
3. The owner shall not destroy or remove the stormwater treatment measures from the property nor modify it in a manner that reduces its effectiveness, and shall, at the owner’s sole expense, adequately maintain the stormwater treatment measure in good working order acceptable to the City of Menlo Park. The City of Menlo Park shall have the right to enter the lot to perform maintenance and repair of the stormwater treatment area if the owner of the lot fails to keep and maintain the stormwater treatment area in good condition and shall have the right to enter the lot to restore the stormwater treatment area in the event the owner of the lot modifies or alters the stormwater treatment area without the prior written approval of the City of Menlo Park. The City shall first give the owner of the lot written notice of its intent to enter and repair or restore the stormwater treatment area. If the owner does not restore or repair the stormwater treatment area to the reasonable satisfaction of the City within the time set forth in the City’s notice, which time shall be no less than ten (10) days, the City may enter the lot and perform any necessary work to repair or restore the stormwater treatment area at the owner’s cost and expense. All cost of work performed by the City shall be paid by the then owner of the lot to the City within thirty (30) days of demand by the City and shall constitute a lien against the lot until paid, upon the City recording a notice of lien.

4. In the event the City of Menlo Park takes any legal action to enforce the provisions of this Notice of Restriction, including but not limited to an action to compel the property owner to perform its obligations or for collection of any costs expended by the City and/or the filing of a lien, the then owner of the lot shall pay the City’s reasonable attorneys fees and costs of enforcing this Restriction and/or collecting costs due to the City.

5. This Notice of Restriction shall constitute a covenant running with the land and shall be binding on all future owners of the lot and is for the benefit of the City of Menlo Park and all other lots within the Hamilton Park Subdivision.

See attached Stormwater Treatment Exhibit.

IN WITNESS WHEREOF, the undersigned, being the Owner of the property herein, has signed this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ , 2007.

By: *Insert owner’s name or company name and name of signer*

*“an individual” or “a California limited partnership/Corporation”*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, *insert title*

APN:

Attach notarial acknowledgement form

Attach signature authority if owner is not an individual person

Attach Exhibit A – Lot Map (Show lot dimensions, lot number, address, building location on lot, building dimensions, stormwater treatment area location and dimensions, descriptive name and distances from building

Attach Exhibit B – Maintenance Plan for Vegetated Swale

Attach Exhibit C - Annual Report and Treatment Measures Checklist

EXHIBIT C

Annual Inspection Report

For Stormwater Treatment Measure(s)

This report documents the inspection and maintenance conducted during the annual reporting period indicated below for the identified stormwater treatment measure(s) described in the Notice of Deed Restriction Exhibit A – Lot Map.

**I. Property Information:**

Property Address:

Property APN:

Property Owner:

**II. Contact Information:**

Name of Inspector completing this report:

Office Phone: Cell Phone:

FAX: Email:

Name of Inspector’s Employer:

Office Phone: Cell Phone:

FAX: Email:

Address to which correspondence regarding this report should be directed:

**III. Reporting Period:**

This report, with the attached completed inspection checklists, documents the inspections and maintenance of the treatment measure(s) during the calendar year: .

**IV. Stormwater Treatment Measure Information:**

The following stormwater treatment measure(s) are located on the property identified above and are subject to the Maintenance Agreement:

|  |  |  |
| --- | --- | --- |
| Number | Name of Treatment Measure | Location of Treatment Measure on the Property |
|  | Vegetated Swale |  |
|  |  |  |
|  |  |  |

**V. Summary of Inspections and Maintenance:**

Summarize the following information using the attached Inspection and Maintenance Checklists:

|  |  |  |  |
| --- | --- | --- | --- |
| Number | Date of Inspection | Date of Operation and Maintenance Activities Performed  | Activities Performed |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**VI. Sediment Removal:**

Total amount of accumulated sediment removed from the stormwater treatment measure(s) during the reporting period: \_\_\_\_\_\_\_\_\_ cubic yards.

How wassedimentdisposed of?

* landfill
* on-site as described in and allowed by the maintenance plan
* other: please explain \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**VII. Certification:**

I hereby certify, under penalty of perjury, that the information presented in this report and attachments is true and complete.

Signature of Inspector Date

Type or Print Name

**RETURN TO**: Stormwater Coordinator, City of Menlo Park, 701 Laurel St., Menlo Park, CA 94025, (650) 330-6740, FAX (650) 327-5497