



JAMES CITY SERVICE AUTHORITY

**DECLARATION OF COVENANTS
FOR WATER CONSERVATION**

James City Service Authority
119 Tewning Road
Williamsburg, VA 23188
757-253-6800
jcsava.gov

THIS DECLARATION OF COVENANTS, made this _____ day of _____, 20_____,
between _____,
and all successors in interest, (the “OWNER”), owner(s) of the following property:
Tax Map Parcel Identification Number(s): _____
Property Address: _____
Subdivision Name (or project name if not a subdivision): _____
and the James City Service Authority, a political subdivision of the Commonwealth of Virginia (the “JCSA”).

WITNESSETH:

The OWNER, with full authority to execute deeds, mortgages, other covenants, and all rights, titles, and interests in the property described above, hereby covenants with the JCSA as follows:

1. The OWNER must provide adequate maintenance for the irrigation system and all appurtenances connected to the irrigation system, hereinafter referred to as the “SYSTEM,” located on and serving the above-described property to ensure that the SYSTEM is and remains in proper working condition in accordance with approved design standards, the law, and applicable executive regulations.

2. The OWNER must ensure that the SYSTEM complies with the following:

- a. The SYSTEM must not irrigate vegetation existing prior to the development of the Property pursuant to approved site plans.
- b. The SYSTEM must not irrigate more than 20% of the total site area of the Property.
- c. The SYSTEM must not be connected to any irrigation well.
- d. The SYSTEM must have approved backflow prevention devices.
- e. Sprinkler head components of the SYSTEM must be pressure-regulated, and the SYSTEM must include rain sensors, which must be set to cease irrigating after precipitation events of more than ¼ inch.
- f. The SYSTEM may only irrigate recreation areas with water sourced from surface water or stormwater collection facilities.
- g. The SYSTEM may only irrigate common areas with water sourced from surface water or stormwater collection facilities. However, the General Manager of the JCSA may consent, in writing, to the irrigation of common areas with water sourced from the public water supply; if the General Manager of the JCSA so consents, the use of such water sourced from the

public water supply must be limited to drip irrigation on the turf and landscaped areas at the main entrances of the development.

h. The SYSTEM may only utilize drip irrigation for shrubs, and such shrub irrigation must be reduced after the establishment period.

3. The OWNER must ensure that all plantings on the development are species-consistent with, or equivalent to, the recommended plant list as described in the site plan.

4. The OWNER should cover turf areas with Bermuda Grass when possible.

5. The OWNER must ensure that, wherever feasible, existing trees and vegetation are retained.

6. The OWNER must ensure that all trees in the turf areas are mulched.

7. The OWNER must ensure that all builder-installed fixtures, hot water heaters, washing machines, dishwashers and any other appliances are water efficient models.

8. Any amendments or new Declarations of Covenants pertaining to the subject matter set forth herein must be reviewed by JCSA and approved in writing by the General Manager of the JCSA prior to recordation.

9. The OWNER shall indemnify and save the JCSA harmless from all claims for damages to persons or property arising from the installation, construction, maintenance, repair, operation, or use of the SYSTEM.

10. The OWNER must promptly notify the JCSA when the OWNER legally transfers any of the OWNER responsibilities for the SYSTEM. The OWNER must supply the JCSA with a copy of any document of transfer executed by both parties.

11. The rights and covenants contained herein run with the land and bind the OWNER and the OWNER's heirs, executors, administrators, successors, and assignees, and bind all present and subsequent owners of property served by the SYSTEM.

12. This Declaration of Covenants will be recorded in the James City County Land Records.

[SIGNATURE PAGE FOLLOWS]

Prepared by (Name, Address, and Phone):

Return to:

JCSA Attorney's Office
101-D Mounts Bay Road
Williamsburg, VA 23185
(757) 253-6612

IN WITNESS WHEREOF, the OWNER executed this DECLARATION OF COVENANTS as of the date first above written.

OWNER

Signature

Print Name and Title

ACKNOWLEDGMENT

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to wit:

I hereby certify that on this _____ day of _____, 20____, before the subscribed, a Notary Public for the Commonwealth of Virginia, personally appeared _____ and did acknowledge the foregoing instrument to be his/her Act.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 20____.

[PLACE NOTARY SEAL HERE]

Notary Public

Notary Registration Number: _____

My Commission expires: _____

Approved as to form:

JCSA Attorney

For Circuit Court Use Only

August 2022