

OWNER MAINTENANCE AGREEMENT FOR DRAINAGE FACILITIES

THE MAINTENANCE OF ALL DRAINAGE FACILITIES, INCLUDING CULVERTS AND SWALES, SHALL BE THE RESPONSIBILITY OF THE OWNER. THE OWNER SHALL NOT PERMIT, ALLOW OR CAUSE ANY OF SAID FACILITIES TO BE OBSTRUCTED OR REMOVED OR TO IN ANY WAY TO IMPEDE THE FLOW OF WATER ACROSS OR THROUGH SAID FACILITIES. IN THE EVENT ANY SUCH FACILITIES BECOME DAMAGED OR IN DISREPAIR, IT SHALL BE THE RESPONSIBILITY OF THE OWNER TO REPAIR SUCH FACILITY AT OWNER'S EXPENSE.

IN THE EVENT OF THE OWNER'S FAILURE TO MAINTAIN DRAINAGE FACILITIES IN GOOD ORDER AND REPAIR, APPROPRIATE GOVERNMENTAL AUTHORITY OF ELKHART COUNTY, INDIANA MAY REPAIR SUCH DRAINAGE FACILITIES AND INVOICE THE COSTS OF SUCH REPAIR TO THE LAST OWNER. ELKHART COUNTY, INDIANA IS GRANTED AN EASEMENT ACROSS THIS PROPERTY FOR THE PURPOSE OF REPAIRING ANY DRAINAGE FACILITIES ON THE PROPERTY. THE AMOUNT OF ANY ASSESSMENT FOR THE COSTS OF SUCH REPAIR, AS ASSESSED BY SAID GOVERNMENTAL AUTHORITY SHALL CONSTITUTE A LIEN UPON THE REAL ESTATE AND AN ENCUMBRANCE UPON THE TITLE.

ELKHART COUNTY, INDIANA IS FURTHER GRANTED RIGHT OF ACTION FOR THE COLLECTION OF SAID INDEBTEDNESS FROM THE PROPERTY OWNER AND FOR THE FORECLOSURE OF SAID LIEN IN THE MANNER IN WHICH MORTGAGES ARE FORECLOSED UNDER THE LAWS OF THE STATE OF INDIANA. ANY SUCH COLLECTION AND/OR FORECLOSURE ACTION SHALL BE MAINTAINED IN THE COURTS OF GENERAL JURISDICTION OF THE STATE OF INDIANA AND SHALL BE COMMENCED IN ELKHART COUNTY, INDIANA.

CERTIFICATE OF OWNERSHIP

WE/I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE/I ARE THE OWNER/OWNERS OR REPERSENTIVES OF THE PROPERTY REPERSENTED BY THIS PLAN.

COMPANY/ORGANIZATION/LANDOWNER

PROJECT NAME

SIGNATURE

Date: _____

TITLE