

DECLARATION OF RESTRICTIVE COVENANT FOR A STORMWATER MANAGEMENT SYSTEM

This Declaration of Restrictive Covenant (“**Restrictive Covenant**”) has been recorded with the Wayne County Register of Deeds to ensure that any future modification of the site is consistent with the provisions of the approved Post Construction Stormwater Management Plan, unless amendments or modifications to the Post Construction Stormwater Management Plan are approved by the Detroit Water and Sewerage Department (“**DWSD**”) at the property consisting of the following parcels and legally described in Exhibit A attached hereto (“**Property**”):

5140 Riopelle Street, Detroit, Wayne County, Michigan – Parcel ID # 07-001399-410

WHEREAS, Farnsworth Development Company LLC, as the owner of the Property (“**Owner**”), constructed an Underground Detention System to manage stormwater from the Property (“**Post Construction Stormwater Plan**”) pursuant to *The Post-Construction Stormwater Management, Chapter 48, of the 2019 Detroit City Code, Utilities, Article II, Sewers and Drains, Division 4, Stormwater Management* (the “Ordinance”).

WHEREAS, the Post Construction Stormwater Management System Long-Term Maintenance Plan attached hereto as Exhibit B under BLD#2022-01569 has been approved by the DWSD.

WHEREAS, the restrictions contained in this Restrictive Covenant are recorded pursuant to the Ordinance.

NOW THEREFORE,

1. Declaration of Land Use or Resource Use Restrictions.

Farnsworth Development Company LLC, as the Owner of the Property hereby declares and covenants that the Property shall be subject to the following restrictions and conditions: The Owner shall maintain the stormwater control measures on the Property consistent with the provisions of the Post Construction Stormwater Management System Long-Term Maintenance Plan, or any subsequent amendments or modifications to the Post Construction Stormwater Management System Long-Term Maintenance Plan approved by the DWSD, see Exhibit B.

2. Running with the Land. This Restrictive Covenant shall run with the Property and shall be binding on the Owner; future owners; and their successors and assigns, lessees, easement holders, and any authorized agents, employees, or persons acting under their direction and control.

3. Enforcement of Restrictive Covenant. DWSD, a department of the City of Detroit, Michigan may enforce the restrictions set forth in this Restrictive Covenant by legal action in a court of competent jurisdiction.

4. Severability. If any provision of this Restrictive Covenant is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provisions hereof, and all such other provisions shall continue unimpaired and in full force and effect.

5. Authority to Execute Restrictive Covenant. The undersigned person executing this Restrictive Covenant is the Owner, or has the express written permission of the Owner, and represents and certifies that he or she is duly authorized and has been empowered to execute and record this Restrictive Covenant.

IN WITNESS WHEREOF, Farnsworth Development Company LLC, the current and legal Owner of the Property, has caused this Restrictive Covenant to be executed on this _____ day of _____, 2023.

Farnsworth Development Company LLC

By: _____
Signature

Name: _____
Print or Type Name

Its: _____
Title

STATE OF MICHIGAN)
)SS
COUNTY OF WAYNE)

On _____, 2023, before me personally appeared _____, who
☐ is known to me ☐ presented satisfactory evidence of identity to me, and being duly sworn did state
that he/she is the _____ of Farnsworth Development Company LLC, the entity
named in and which executed the within instrument and acknowledged that he/she had full authority to
sign said instrument on behalf of said entity.

_____, Notary Public

_____ County, Michigan

My Commission expires:

Acting in:

Prepared by:

When recorded, return to:

Attn Michael G. Darga

Giffels Webster

28 W. Adams St. Suite 1200

Detroit, MI 48226

EXHIBIT "A"

PHYSICAL LIMITS OF STORM WATER MANAGEMENT SYSTEM

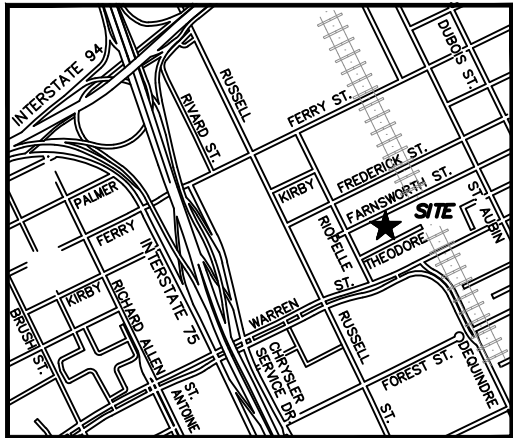
DEVELOPER

FARNSWORTH DEVELOPMENT COMPANY LLC
19640 HARPER AVENUE
GROSSE POINTE, MI 48236

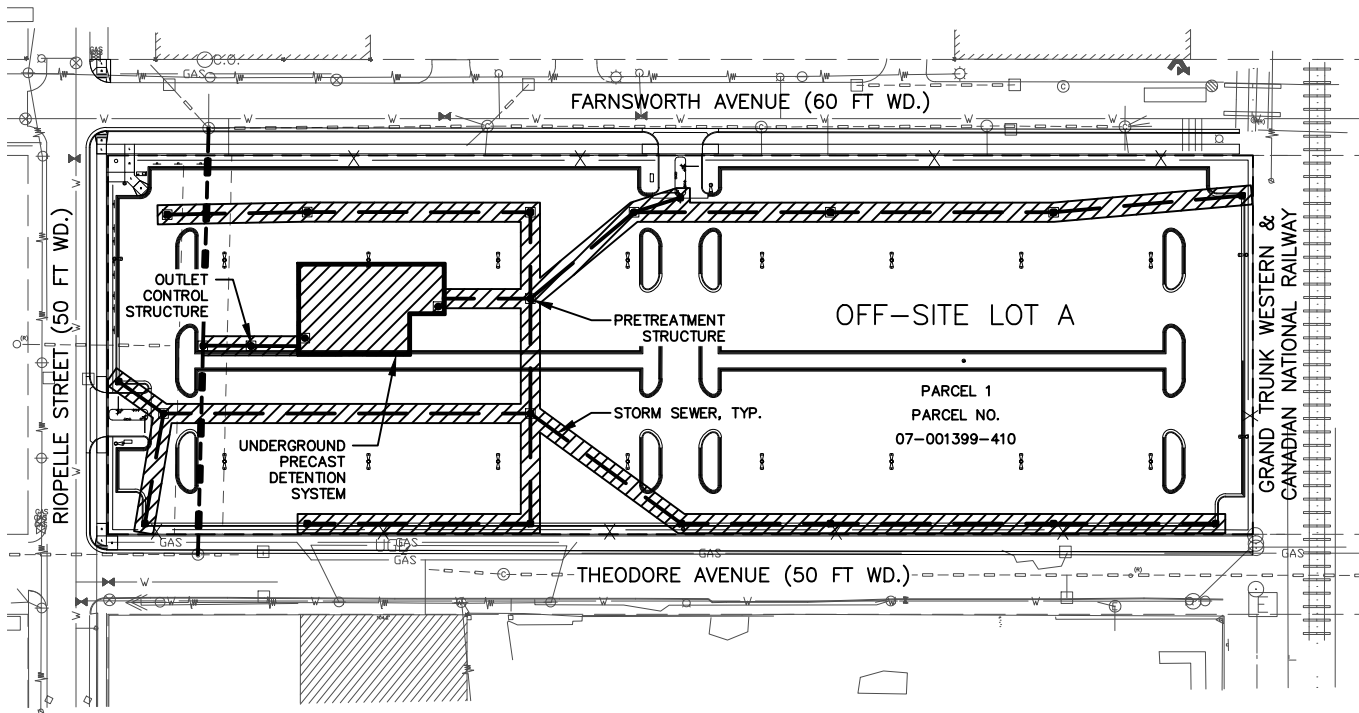
C/O BEDROCK MANAGEMENT SERVICES LLC
630 WOODWARD AVENUE
DETROIT, MI 48226

LEGEND:

 FARNSWORTH DEVELOPMENT COMPANY LLC
STORMWATER MAINTENANCE RESPONSIBILITY



LOCATION MAP
(NOT TO SCALE)



LEGAL DESCRIPTION:

RECORD PROPERTY DESCRIPTION PARCEL 1:
PARCEL NO. 07-001399-410
PARCEL ADDRESS: 5140 RIOPELLE STREET

THE SOUTH 236.78 FEET OF WEST 573.68 FEET OF OUTLOT 2 LYING
NORTH OF & ADJACENTS TO THEODORE STREET, SUBDIVISION OF
THE REAR OF ANTOINE DEQUINDRE FARM FOR THE ADMINISTRATION
OF L.15, P.348-9 CITY OF DETROIT RECORDS

LOTS 70 THROUGH 79 & THE VACATED ALLEY ADJACENT,
PLAT OF FREUD & SHULTES SUBDIVISION, L.7, P.17 PLATS, WAYNE
COUNTY RECORDS



0 60' 120'
SCALE: 1" = 120'

5140 RIOPELLE STREET

CITY OF DETROIT, WAYNE COUNTY, MICHIGAN

EXHIBIT A

giffels webster
Engineers Surveyors Planners
Landscape Architects

28 West Adams Road
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p (313) 962-4442
f (313) 962-5068
www.giffelswebster.com

Executive: MGD
Manager: RMJ
Designer: RMJ
Quality Control: MGD
Section:

Developed For:
FARNSWORTH DEVELOPMENT
COMPANY LLC
C/O BEDROCK MANAGEMENT SERVICES LLC
630 WOODWARD AVENUE
DETROIT, MI 48226

DATE:	ISSUE:
04.19.2023	OWNER REVIEW
07.07.2023	OWNER REVIEW

Date: 07.07.2023
Scale: 1"=120"
Sheet: A-1
Project: 19252-30D

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EXHIBIT "B"

POST CONSTRUCTION STORMWATER MANAGEMENT SYSTEM

LONG-TERM MAINTENANCE PLAN

PROPERTY INFORMATION:5140 RIOPELLE STREET
DETROIT, MI 48211

APPLICANT:FARNSWORTH DEVELOPMENT COMPANY LLC
19640 HARPER AVENUE
GROSSE POINTE, MI 48236

PROPERTY OWNER:FARNSWORTH DEVELOPMENT COMPANY LLC
19640 HARPER AVENUE
GROSSE POINTE, MI 48236

A. PHYSICAL LIMITS OF THE STORM WATER MANAGEMENT SYSTEM

THE STORM WATER MANAGEMENT SYSTEM (SWMS) SUBJECT TO THIS LONG-TERM MAINTENANCE PLAN (PLAN) IS DEPICTED ON EXHIBIT A AND INCLUDES WITHOUT LIMITATION THE STORM SEWERS, CATCH BASINS, MANHOLES, INLETS, MECHANICAL FOREBAYS, UNDERGROUND DETENTION SYSTEM, OUTLET CONTROL STRUCTURE, AND OUTLET PIPE THAT CONVEYS FLOW FROM THE SITE'S STORM SYSTEMS TO THE EXISTING REGIONAL DRAIN. FOR THE PURPOSES OF THIS PLAN, THIS STORM WATER MANAGEMENT SYSTEM (SWMS) AND ALL OF ITS COMPONENTS AS SHOWN IN EXHIBIT A IS REFERRED TO AS "WCJC OFF-SITE LOT A SWMS".

B. TIME FRAME FOR LONG-TERM MAINTENANCE RESPONSIBILITY

FARNSWORTH DEVELOPMENT COMPANY LLC IS RESPONSIBLE FOR MAINTAINING THE WCJC OFF-SITE LOT A SWMS INCLUDING COMPLYING WITH APPLICABLE REQUIREMENTS OF THE LOCAL OR WAYNE COUNTY SOIL EROSION AND SEDIMENTATION CONTROL PROGRAM UNTIL THE CITY OF DETROIT RELEASES THE CONSTRUCTION PERMIT. LONG-TERM MAINTENANCE RESPONSIBILITY FOR THE WCJC OFF-SITE LOT A SWMS COMMENCES WHEN DEFINED BY THE MAINTENANCE PERMIT ISSUED BY THE DETROIT WATER AND SEWERAGE DEPARTMENT. LONG-TERM MAINTENANCE CONTINUES IN PERPETUITY. TO ENSURE THAT THE WCJC OFF-SITE LOT A SWMS IS MAINTAINED IN PERPETUITY, THE MAP OF PHYSICAL LIMITS OF THE STORM WATER MANAGEMENT SYSTEM (EXHIBIT A) AND THIS PLAN (EXHIBIT B) WILL BE RECORDED WITH THE WAYNE COUNTY REGISTER OF DEEDS.

5140 RIOPELLE STREET

CITY OF DETROIT, WAYNE COUNTY, MICHIGAN

EXHIBIT B

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V:\19252-30D WCJC - Off Site Lots\Design\CAD\Work Sheets\Stormwater Maintenance Exhibits - Lot A.dwg

EXHIBIT "B" (CONT.)

POST CONSTRUCTION STORMWATER MANAGEMENT SYSTEM

LONG-TERM MAINTENANCE PLAN

C. LONG-TERM MAINTENANCE PLAN AND SCHEDULE

THE CHECKLIST BELOW IDENTIFIES THE MAINTENANCE ACTIVITIES TO BE PERFORMED, ORGANIZED BY CATEGORY (MONITORING/INSPECTIONS, PREVENTATIVE MAINTENANCE AND REMEDIAL ACTIONS). WHILE PERFORMING MAINTENANCE, CHEMICALS SHOULD NOT BE APPLIED TO THE MECHANICAL FOREBAY, UNDERGROUND DETENTION BASIN, OUTLET CONTROL STRUCTURE, OR ANY CONVEYANCE PIPES. THE CHECKLIST ALSO IDENTIFIES SITE-SPECIFIC WORK NEEDED TO ENSURE THAT THE STORM WATER MANAGEMENT SYSTEM FUNCTIONS PROPERLY AS DESIGNED.


Year 20_____	STORM WATER MANAGEMENT SYSTEM LONG-TERM MAINTENANCE SCHEDULE & CHECKLIST					
MAINTENANCE ACTIVITIES	SYSTEM COMPONENTS	Storm Collection System	Mechanical Forebays & Underground Detention Basin	Outlet Control Structure & Outlet Pipes	Pavement Areas	FREQUENCY
Monitoring/Inspection						
Inspect for Sediment Accumulation*	X	X	X			Semi-Annually
Inspect For Floatables and Debris	X					Annually & After Major Events
Inspect For Erosion and Integrity of System	X	X	X			Annually & After Major Events
Inspect All Components During Wet Weather & Compare to As-Built Plans	X	X	X			Annually
Ensure Maintenance Access Remain	X	X	X			Semi-Annually
Preventative Maintenance						
Mowing						As Needed / Per Local Ordinance
Remove Accumulated Sediments	X	X	X			Annually*
Remove Floatables and Debris	X					Annually*
Sweeping of Paved Surfaces & Clean Oil Spills Immediately				X		As Needed
Remedial Actions						
Repair/Stabilize Areas of Erosion	X	X	X			As Needed
Structural Repairs	X	X	X			As Needed
Make Adjustments/Repairs to Ensure Proper Functioning	X	X	X			As Needed

***NOTE:** Mechanical Forebays and Underground Detention Systems to be cleaned whenever sediments accumulate to a depth of 6-12 inches, or if sediment re-suspension is observed. Inspection to be done semi-annually and clearing of sediments to be performed as needed.

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EXHIBIT B



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