



## PROTECTIVE AND RESTRICTIVE COVENANTS

This guide will help those filling out protective and restrictive covenants. This should be used in conjunction with the attached sample covenants. "PART A, B, C & D", as noted on the examples, refers to those parts of the covenants that must be completed

### WHAT IS A COVENANT?

A covenant is an agreement or pact. In this case, it is a recorded agreement stating that certain activities and/or practices will not be allowed to occur near a particular well. It is hoped that limiting these activities will keep the water supply of the well free from impurities which might be injurious to public health.

### DECLARATION OF COVENANT:

**PART A:** The legal description of the property where the well is located should be filled in here. This should be specific, as shown in the following examples:

Lot 2 of short plat number \_\_\_\_\_, recorded in Volume \_\_\_\_\_, Page(s) \_\_\_\_\_, of short plats as recorded in Auditor's file number \_\_\_\_\_ in Thurston County, Washington.

Long or complex legal descriptions can be attached on a separate document which is filed with the covenant. However, this attachment must be referenced as shown on "Example I, Part A".

**PART B:** This refers to the precise location of the well on the lot described in PART A. Usually, it is easier to attach a map that shows the location of the well on the property, rather than to prepare a legal description for the exact well location. "Example III, Exhibit A" shows how this can be done.

***\*\*Even is a legal description is prepared, a map showing the well site should be filed.***

### RESTRICTIVE COVENANTS:

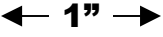
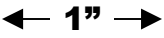
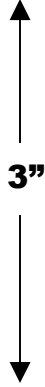
**PART C:** This section refers to the property that is granting the restrictive covenant: i.e. the property neighboring or adjacent to the parcel where the well is located. The legal description of this parcel should be written or referenced here. See "Example II, Part C".

**PART D:** This refers to the property on which the well is actually located. Indicate in this part, ***both the description of the property and the wells location on the property.*** Once again, a map is often the easiest way to show the location of the well. See "Example III, Exhibit A". Example:

Located 50 feet south and 100 feet east of the northwest corner of lot \_\_\_\_\_, Page(s) \_\_\_\_\_, of short plats in Auditor's file number \_\_\_\_\_, in Thurston County, Washington.

Please contact the Thurston County Environmental Health department if you have any questions regarding covenants at (360) 786-5490; TDD (360) 754-2933.

# EXAMPLE I



## DECLARATION OF COVENANT

### Public Water Source

KNOW all men by these presents that I (we), the undersigned, owner(s) in fee simple of the land described herein, hereby declare this covenant and place same on record.

I (we), the grantor(s) herein, am (are) the owner(s) in fee simple of (an interest in) the following described real estate situated in Thurston County, State of Washington, to wit:

Thurston County, Washington, known as Lot 2 of Short Plat 1234 as recorded in Volume 15 of short plats, pages 12 through 14, Auditor's File #1234567, Records of Thurston County, WA: see exhibit "A".

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on which the grantor(s) owns and operates a well and waterworks supplying water for public use, located on said real estate, to wit:

50 feet south and 100 feet east of the Northwest corner of Lot 2 of short plat 1234, as described and shown on Exhibit "A"

and grantor(s) is (are) required to keep the water supplied from said well free from impurities which might be injurious to the public health.

It is the purpose of these grants and covenants to prevent certain practices hereinafter enumerated in the use of said grantor(s) land which might contaminate said water supply.

NOW, THEREFORE, the grantor(s) agree(s) and covenant(s) that said grantor(s), his (her) (their) heirs, successors and assigns will not construct, maintain, or suffer to be constructed or maintained upon said land of the grantor(s) and within 100 ( \_\_\_\_\_ ) feet of the well herein described, so long as the same is operated to furnish water for public consumption, any potential source of contamination, such as cesspools, sewers, waste water plumbing, privies, septic tanks, drainfields, manure piles, garbage of any kind or description, barns, chicken houses, rabbit hutches, pigpens, or other enclosures or structures including sheds, garages, or carports for the keeping or maintenance of fowls or animals, or storage of liquid or dry chemicals, herbicides or insecticides, or any other source of contamination.

These covenants shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in the land described herein or any part thereof, and shall inure to the benefit of each owner thereof.

WITNESS \_\_\_\_\_ hand \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_  
(Seal)

\_\_\_\_\_  
(Seal)

Grantor(s)

State of Washington

County of \_\_\_\_\_ SS

I, the undersigned, a Notary Public in and for the above named County and State, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me

to me known to be the individual \_\_\_\_\_ described in and who executed the within instrument, and acknowledge that he (they) signed and sealed the same as \_\_\_\_\_ free and voluntary act and deed, for the uses and purposes wherein mentioned.

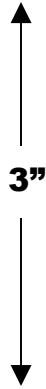
GIVEN under my hand and official seal the day and year last above written.

\_\_\_\_\_  
NOTARY PUBLIC in and for the State  
of Washington, residing at \_\_\_\_\_

..... **FOR AUDITOR'S USE ONLY** .....

# EXAMPLE II

← 1" →



← 1" →

## RESTRICTIVE COVENANT

### Public Water Source

The grantor(s) herein is/are the owner(s) of (an interest in) the following described real estate situated in Thurston County, State of Washington, to wit:

Thurston County, Washington, known as Lot 2 of Short Plat 1234 as recorded in Volume 15  
of short plats, Pages 12 through 14, Auditor's File #1234567, Records of Thurston  
County, WA: see Exhibit "A"

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The grantee(s) herein, Phil

own(s) and operate(s) a well and waterworks supplying water for public use, located upon the following described real estate situated in Thurston County, State of Washington, to wit:

50 feet south and 100 feet east of the Northwest corner of lot 2 of Short Plat 1234,  
as described and shown on Exhibit "A".

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which well and waterworks is in close proximity to the land of the grantor(s), and said grantee(s) is/(are) required to keep the water supplied from said well free from impurities which might be injurious to the public health.

It is the purpose of these grants and Covenants to prevent certain practices hereinafter enumerated in the use of said grantor(s) land which might contaminate said water supply.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) in hand paid and other good and valuable consideration received by said grantor(s), the grantor(s) agree(s) and covenant(s) with the grantee(s), its successors and assigns, said covenants to run with the land for the benefit of the land of the grantee(s), that said grantor(s), its (their) heirs, successors and assigns will not construct, maintain, or suffer to be constructed or maintained upon the said land of the grantor(s) and within 100 ( \_\_\_\_\_ ) feet of the well of the grantee(s), so long as the same is operated to furnish water for public consumption, any potential source of contamination, such as cesspools, sewers, waste water plumbing, privies, septic tanks, drainfields, manure piles, garbage of any kind or description, barns, chicken houses, rabbit hutches, pigpens, or other enclosures or structures including sheds, garages, or carports for the keeping or maintenance of fowls or animals, or storage of liquid or dry chemicals, herbicides or insecticides or any other source of contamination.

WITNESS \_\_\_\_\_ hand \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_  
(Seal)

\_\_\_\_\_  
(Seal)

Grantor(s)

State of Washington

County of \_\_\_\_\_ SS

I, the undersigned, a Notary Public in and for the above named County and State, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me

\_\_\_\_\_ to me known to be the individual \_\_\_\_\_ described in and who executed the within instrument, and acknowledge that he (they) signed and sealed the same as \_\_\_\_\_ free and voluntary act and deed, for the uses and purposes wherein mentioned.

GIVEN under my hand and official seal the day and year last above written.

\_\_\_\_\_  
NOTARY PUBLIC in and for the State  
of Washington, residing at \_\_\_\_\_

..... **FOR AUDITOR'S USE ONLY** .....

# EXAMPLE III

## EXHIBIT A

### Phil's Water System Well Location Map

Legal Description:

Lots 1 and 2 of Short Plat 1234 as recorded in Volume 15 of Short Plats, pages 12 through 14, Auditor's File No. 1234567, Records of Thurston County, WA

