



INSTRUCTIONS
ESTABLISHMENT OR TERMINATION OF A
COVENANT & AGREEMENT (C&A)
PUBLIC WORKS, WATER & DEVELOPMENT SERVICES DEPARTMENT
Engineering Division
(323) 583-8811 Ext. 246

BACKGROUND

General Covenant & Agreement

The City of Vernon may request that a Covenant & Agreement (C&A) be established prior to the issuance of a building permit, the subject of any such C&A may include but it is not limited to the following:

- Parking requirements
- Truck and automobile access
- Side yards
- Drainage
- Any other reason requiring a neighboring property to be encumbered in order to obtain compliance with City codes and regulations.

The C&A will require that two or more properties or portion¹ of properties be held as one parcel. The agreement will run with the land and may not be released without approval by the City's Director of Public Works, Water & Development Services (Director). In order for a C&A to be released, the grantee must submit a written request and pay the applicable fees. Then, if the Director is satisfied that the C&A is no longer required by applicable law, he/she shall terminate the C&A.

Maintenance Covenant & Agreement

Required by the City's Low Impact Development Guidance Manual, this is a specific type of C&A which ensures the appropriate maintenance for all permanent onsite stormwater quality control measures installed.

SUBMITTAL REQUIREMENTS

1. Application and Fee

- For either establishment or termination of C&A, provide a completed application and submit a \$730 review and processing fee.

2. Establishment of a General Covenant & Agreement

a. Form

- Provide a C&A form in a recordable format. Refer to attached sample for reference. The C&A must be signed and notarized by the appropriate officers of the entity. Refer to the "Signature Requirements for City Agreements" sheet for the required signatures.
 - When only one signature is provided, proof of the person's authorization in his/her sole capacity to bind the corporation or partnership shall be supplied to the City. Provide City with "Articles of Organization" or "Statement of Partnership Authority".

¹ As a policy matter, portions of properties shall be disfavored, and the smaller the portion (e.g., individual parking spaces), the less likely the City will be to grant a Covenant & Agreement.

- Provide the property grant deed(s) showing current ownership of all properties involved.
- Provide title report(s) showing current ownership of all properties involved.

b. Exhibits

- Exhibits must be prepared and wet stamped by a land surveyor registered in the State of California or a registered civil engineer with registration prior to January 1982.
- Provide copies of recorded documents referenced in the legal descriptions.
- Provide closure calculations to support metes and bounds descriptions if one is used.
- **Exhibit “A” – Legal Description**
- **Exhibit “B” – Map**
 - Map must be drawn in black ink in an 8½” x 11” format.
 - Map scale and north arrow must be provided.
 - Show bearings and distances for all parcel lines. Bearings and distances shall be based upon recorded documents and maps.
- **Additional information may be required.**

3. Termination of Covenant & Agreement

a. Form

- Provide a Termination of C&A form in a recordable format. Refer to attached sample for reference.
- The form must be signed and notarized by the appropriate officers of the entity. Refer to the “Signature Requirements for City Agreements” sheet for the required signatures.
 - When only one signature is provided, proof of the person’s authorization in his/her sole capacity to bind the corporation or partnership shall be supplied to the City. Provide City with “Articles of Organization” or “Statement of Partnership Authority”.
- Provide copy of the original recorded C&A.
- Upon submission of a completed application and processing fee, City staff will analyze whether evidence exists that the C&A is no longer required by applicable law. City staff will notify the grantee and all other relevant parties of its findings as promptly as possible.
- Provide the property grant deed(s) showing current ownership of all properties involved.
- Provide title report(s) showing current ownership of all properties involved.

b. Exhibits

- Exhibit “A” - Legal Description

4. Maintenance Covenant & Agreement

a. Form

- Provide a Maintenance C&A form in a recordable format. Refer to attached sample for reference. The C&A must be signed and notarized by the appropriate officers of the entity. Refer to the “Signature Requirements for City Agreements” sheet for the required signatures.
 - When only one signature is provided, proof of the person’s authorization in his/her sole capacity to bind the corporation or partnership shall be supplied to the City. Provide City with “Articles of Organization” or “Statement of Partnership Authority”.
- Provide the property grant deed(s) showing current ownership of all properties involved.
- Provide title report(s) showing current ownership of all properties involved.

b. Exhibits

- **Exhibit “A” – Legal Description**
- **Exhibit “B” – Map**
 - Map must be drawn in black ink in an 8½” x 11” format.
 - Map scale and north arrow must be provided.
- **Exhibits “C” - Description of BMPs on the property. Shall include a site map with GPS x-y coordinates.**
- **Exhibits “D” - Operations & Maintenance Plan. Shall include a maintenance log.**



**APPLICATION
ESTABLISHMENT OR TERMINATION OF A
COVENANT & AGREEMENT (C&A)
City of Vernon
Department of Public Works, Water and Development Services**

Date of Submittal: _____

TYPE OF DOCUMENT: General C&A Termination of C&A Maintenance C&A

Reason for Covenant: _____

Assessor's Parcel Number (APN): _____

Subject Address: _____

Name of Legal Owner: _____

Address of Owner: _____

Contact Person: _____

Phone Number: _____ Email: _____

APPLICANT

Company Name: _____

Address: _____

Name, Title: _____

Phone Number: _____ Email: _____

Signature: _____ Date: _____

SURVEYOR/ENGINEER

Name of Consulting Firm: _____

Address: _____

Contact Person: _____

Phone Number: _____ Email: _____

SUBMITTAL CHECKLIST

- Covenant & Agreement form
- "Articles of Organization" or "Statement of Partnership Authority"
- Property grant deed for all properties involved
- Title report for all properties involved
- Exhibit "A" - Legal Description of each parcel
- Exhibit "B" - Map
- Recorded documents referenced in legal description
- Closure calculations (for metes and bounds description)
- Exhibit "C" - Description of BMPs on the Property (If applicable)
- Exhibit "D" - Operations & Maintenance Plan (If applicable)
- Review and Processing Fee: \$730

RECORDING REQUESTED BY
AND MAIL TO:

CITY OF VERNON
4305 SANTA FE AVENUE
VERNON, CALIFORNIA 90058
ATTN: CITY CLERK

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

COVENANT AND AGREEMENT

The undersigned hereby certify that we are the owners of real property located in the City of Vernon, State of California that is located at and is known by the following address:

ADDRESS: Site Address ASSESSOR'S ID #: _____

THIS COVENANT AND AGREEMENT ("Covenant and Agreement") is made this _____ day of _____, 20__ by _____ *Owner's Name* and approved by the City of Vernon a California municipal corporation (the "City of Vernon").

WHEREAS, _____ *Owner's Name*, is the owner of the real property located in the City of Vernon, County of Los Angeles, State of California, that is located and known by the following address: _____ *Address*, as more particularly described on **Exhibit A** and shown on **Exhibit B** attached hereto and incorporated herein; and

NOW, THEREFORE, _____ *Owner's Name* hereby agrees and covenants with the City of Vernon to *Purpose of Covenant*

THIS Covenant and Agreement shall run with the Property and shall be binding upon _____ *Owner's Name*, future owners of the Property, encumbrancers, and their respective successors, heirs and assigns and shall continue in effect until released by the authority of the Director of the Department of Public Works, Water & Development Services for the City of Vernon ("Director") or such successor governmental officials lawfully acquiring the duties of the Director, which shall be released upon submittal of request, applicable fees and evidence that this Covenant and Agreement is no longer required by applicable law.

DATE: _____

DATE: _____

Owner's Name

Owner's Name

BY: _____

BY: _____

Name, Title

Name, Title

Signature

Signature

Name, Title

Name, Title

Signature

Signature

SIGNATURES MUST BE NOTARIZED

APPROVED BY: _____

DATED _____, 201__

Derek Wieske, P.E.
Director of Public Works, Water & Development Services
City of Vernon

RECORDING REQUESTED BY
AND MAIL TO:

CITY OF VERNON
4305 SANTA FE AVENUE
VERNON, CALIFORNIA 90058

ATTN: CITY CLERK

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TERMINATION OF COVENANT AND AGREEMENT

The undersigned hereby certify that we are the owners of real property located in the City of Vernon, County of Los Angeles, State of California that is located at and is known by the following address and Assessor's Parcel Number:

ADDRESS: Site Address ASSESSOR'S ID #: _____

I (we) do hereby, with the approval of the City of Vernon, Department of Public Works, Water & Development Services, terminate the covenant and agreement entered into with the City of Vernon as recorded Date of Recorded covenant as Document Number _____.

That covenant and agreement is terminated for the reason that: _____

Dated this _____ day of _____, 20_____.

Owner's Name

Owner's Name

BY: _____

BY: _____

Name, Title

Name, Title

Signature

Signature

Name, Title

Name, Title

Signature

Signature

SIGNATURES MUST BE NOTARIZED

APPROVED BY: _____ DATED _____, 201_____

Derek Wieske, P.E.
Director of Public Works, Water & Development Services
City of Vernon

Recording requested by and mail to:

Name: Owner's Name

Address: Owner's Address

***** Space Above This Line For Recorder's Use *****

MAINTENANCE COVENANT AND AGREEMENT
(REGARDING ON-SITE BMP MAINTENANCE)

The undersigned hereby certifies I am (we are) the owner(s) of the hereinafter legally described real property located at:

ADDRESS: Site Address ASSESSOR'S ID #: _____

in the City of Vernon, County of Los Angeles, State of California more particularly described in the legal description attached as Exhibit "A" and shown on Exhibit "B" attached herewith.

Pursuant to Section 21.5.9 of the Vernon Municipal Code relating to the control of pollutants carried by stormwater runoff, structural and/or treatment control Best Management Practices (BMPs) have been established at the aforementioned property.

The BMPs on said property include (list specific structural BMPs)

more specifically described in the attached Exhibit "C", we do hereby covenant and agree to and with said City to maintain the BMPs according to the Operations & Maintenance Plan attached herewith as Exhibit "D". The location, including GPS x-y coordinates, and type of each post-construction BMP feature installed on the subject property is identified in Exhibit "C".

This maintenance covenant and agreement shall run with the land and shall be binding upon any future owners, encumbrancers, their successors, heirs or assigns and shall continue in effect until the City of Vernon approves its termination.

It is hereby acknowledged that failure to properly maintain the subject BMPs may cause non-compliance with the National Pollutant Discharge Elimination System requirements resulting in the City of Vernon or State of California declaring a nuisance and/or issuing orders or citations resulting in fines or penalties and/or criminal prosecution.

Owner's Name

Owner's Name

BY: _____
Print Name

BY: _____
Print Name

Signature

Signature

Title

Title

Dated this _____ day of _____ 20__.

Dated this _____ day of _____ 20__.

SIGNATURES MUST BE NOTARIZED

NOTARY ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

On _____ before me, _____,
(Insert Name of Notary Public and Title)

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

**I certify under PENALTY OF PERJURY under the laws of the State of California
that the forgoing paragraph is true and correct.**

WITNESS my hand and official seal.

Signature _____ (Seal)

CITY OF VERNON
SIGNATURE REQUIREMENTS FOR CITY AGREEMENTS

TYPE OF ENTITY	FIRST SIGNATURE	SECOND SIGNATURE	REFERENCE
Corporation	chairman of the board, president, any vice president	corporate secretary, assistant secretary, chief financial officer, any assistant treasurer (Note: A person can hold more than one corporate office; e.g., a vice-president can also be a secretary. That person can sign the agreement twice, if both capacities are identified.)	Corp. Code sec. 313 Corp. Code sec. 5214
Limited Liability Company ("LLC")	if managed by members – by any member if managed by manager – by a manager (Note: A member or manager may have a title such as president or vice-president)	if managed by <i>members</i> – not required unless otherwise provided in governing documents if managed by <i>manager(s)</i> – by a second manager (unless articles of organization state there is only one manager)	Corp. Code sec. 17157
Partnership	any partner, unless authority restricted in "statement of partnership authority" recorded in County Recorder's Office (for real property transactions) or filed with secretary of state (for contracts, etc.)	not required, unless "statement of partnership authority" provides otherwise	Corp. Code sec. 16301 Corp. Code sec. 16303
Limited Partnership	a general partner, subject to same exceptions for partnership	same as partnership	Corp. Code sec. 15509
Limited Liability Partnership ("LLP")	same as partnership	same as partnership	Corp. Code sec. 16955.5
Sole Proprietorship	sole proprietor	not required	n/a

Parties executing an Agreement or Contract that are not identified above must also send a copy of the corporate minutes giving such person(s) the authority to sign on behalf of the corporation.