

APPENDIX E. CRITERIA FOR DEVELOPMENT OF RESTRICTIVE COVENANTS OR EASEMENTS

Easements generally identify:

- parties entering into the agreement
- the location of land upon which the easement is being placed
- purpose of easement
- rights of the grantee
- permitted or prohibited activities (see list of potential permitted and prohibited activities below)
- identification of resources that will be protected
- agreement that the conservation value of the property will be protected in perpetuity
- Maintenance and monitoring of resources
- third party beneficiary (applicable to conservation easements)
- Rights of enforcement
- default and remedies
- costs and taxes
- liability and indemnification
- other general provisions such as severability, successors, amendments, cancellation, no subordination, transfer of property or easement, or other provisions deemed necessary by the District

Covenants generally identify:

- parties entering into the agreement
- purpose of covenant
- the location of land upon which the covenant is being placed
- permitted or prohibited activities (see list of potential permitted and prohibited activities below)
- identification of resources that will be protected
- agreement that the conservation value of the property will be protected in perpetuity

- Maintenance and monitoring of resources
- Rights of enforcement
- default and remedies
- liability and indemnification
- other general provisions, such as governing law, recordation, severability, notice, or other provisions deemed necessary by the District

The terms of each covenant or easement shall be negotiated with the District and drafted on a case-by-case basis and will be subject to Pima County Attorney's Office review and approval. When right(s) are being granted to Pima County or the District, the Board of Supervisors sitting as the Flood Control District Board, must officially accept right(s) prior to having the covenant or easement recorded with the Pima County Recorder's Office. The District will be responsible for ensuring the covenant or easement is recorded with the Pima County Recorder's Office.