

RESTRICTIVE COVENANT

(the Grantor) is the owner in fee simple title of that certain real property located in the County of Sedgwick County, Kansas and more particularly described by the following legal description:

WHEREAS, in consideration for the issuance by the MABCD (the Department) of a permit for operation of an onsite wastewater disposal system, the Grantor hereby agrees to the statements and conditions set out below.

Onsite Wastewater Disposal System

The Grantor will operate an alternative onsite wastewater disposal system.

If upon the occurrence of any single condition or combination of the following conditions:

- (1) failure to have a continuing maintenance contract for the alternative onsite wastewater disposal system (a copy of that agreement must be provided to the MABCD), or
- (2) failure to obtain an annual operating permit from the MABCD, due January 1 of each year, or
- (3) failure to provide all documentation regarding maintenance of the system at the time of annual permit renewal, and
- (4) failure to allow the MABCD to collect effluent samples to insure that said system is performing as designed.

the permit will be subject to revocation and the owner(s) of the property may be required to construct and maintain a new onsite wastewater disposal system that complies with all federal, state and local statutes, regulations, codes and resolutions, including but not limited to the Sedgwick County Sanitary Code, and amendments thereto.

Easement to the MABCD

The Department, its successors or assigns, and any duly authorized agents or contractors employed by or on behalf of the Department are hereby granted a permanent easement to enter or come upon the property to perform the following action:

1. Inspect the alternative onsite wastewater disposal system.
2. Collect effluent samples for testing of certain constituents in order to determine if the design parameters are being met.

Disclosure

Any offer or contract for the conveyance, sale, lease, or other interest in the property must contain a full and complete disclosure of all terms, conditions, and requirements concerning the alternative onsite wastewater disposal system imposed under this restrictive covenant.

