

SMC EXAMPLE

STATE OF ILLINOIS)
) SS:
COUNTY OF LAKE)

WETLAND AND WETLAND BUFFER RESTRICTIVE COVENANT BY PLAT

_____, fee owner of the following described real property located within the Village/City of _____, County of Lake, State of Illinois, such property being the real property now duly platted as _____, as such plat is now recorded as Document No. _____, in the office of the Recorder of Deeds of the County of Lake, State of Illinois, hereby makes the following declarations as to limitations, restrictions and uses to which those areas designated as “WETLAND” and “WETLAND BUFFER” in said parcel/subdivision may be put, and specifies that such declarations shall constitute covenants to run with all the land, as provided by law, and shall be binding on all parties and their successors, and all persons claiming under them, and for the benefit of and limitations on all future owners in such parcel/subdivision and the surrounding and downstream and upstream areas, this declaration being in compliance with applicable stormwater and drainage rules, regulations, and ordinances as specified herein:

1. **Purpose.** The purpose of this restrictive covenant is to perpetually preserve the wetland(s) and associated buffer(s) in their natural condition. Specifically, this covenant will serve to protect the wetland and buffer areas identified in the permit documents **[REFERENCE LAKE COUNTY WATERSHED DEVELOPMENT PERMIT # and/or U.S. ARMY CORPS OF ENGINEERS PERMIT #]**.

2. **Prohibited Actions.** Any activity on, or use of, the wetland and buffer that is inconsistent with the purpose of this covenant is expressly prohibited. By way of example, but not by way of limitation, the following activities and uses are explicitly prohibited:
 - i. **Division.** Any division or subdivision of the wetland and buffer areas is prohibited.

 - ii. **Commercial Activities.** Any commercial activity on the wetland and buffer areas, except for passive recreational activity, is prohibited.

 - iii. **Industrial Activities.** Any industrial activity on the wetland and buffer areas is prohibited.

 - iv. **Construction.** The placement or construction of any human-made structure or feature on the wetland and buffer areas including, but not limited to, buildings, fences, roads, and parking lots is prohibited.

 - v. **Vegetation.** Any cutting, mowing, plowing, or removal of trees or other vegetation in the wetland and buffer areas is prohibited, except for the cutting or removal of trees which pose a threat to human life or property. Removal of non-native vegetation from the wetland and buffer areas is permitted, if conducted in accordance with an approved maintenance plan.

 - vi. **Land Surface Alteration.** Any alteration of the land surface in the wetland and buffer areas is prohibited, including, but not limited to, the placement of dredged or fill material, excavation, and grading. In addition, mining of any substance that must be quarried or removed by methods that will consume or deplete the surface estate, including, but not limited to, the removal of topsoil, sand, gravel,

rock, and peat, and exploring for, developing, and extracting oil, gas, hydrocarbons, or petroleum products are all prohibited activities in the wetland and buffer areas.

- vii. Utilities. Unless included as part of the permitted plans, no underground or overhead utility lines shall be allowed in the wetland and buffer areas, including, but not limited to sewer, water, electrical, gas, telephone, and cable television. Existing lines may remain, but any proposed maintenance work requiring intrusion into wetland and buffer areas shall require prior written authorization from the Lake County Stormwater Management Commission ("SMC"), except for emergency repair of utility lines that pose a threat to human health and safety.
 - viii. Dumping. Waste, debris, and unsightly or offensive material is not allowed and may not be accumulated on the wetland and buffer areas.
 - ix. Water Courses. Natural water courses, lakes, wetlands, or other bodies of water may not be altered.
 - x. Off-Road Recreational Vehicles. Motorized off-road vehicles including, but not limited to, snowmobiles, dune buggies, all-terrain vehicles, and motorcycles may not be operated on the wetland and buffer areas, except on designated trails shown on the permitted plans.
 - xi. Signs and Billboards. Billboards are prohibited. Signs are prohibited, except the following signs may be displayed to specifically state: 1) The name and address of the property or the owner's name; 2) the area is a protected wetland/conservation area; 3) prohibition of any unauthorized entry or use; or 4) an advertisement for the sale or rent of the Property.
3. Term. This covenant is to run with the land and shall be binding on all parties and their successors and all persons claiming under them, and all public agencies, for perpetuity from the date these covenants are recorded.
4. Enforcement. Enforcement shall be by proceedings at law or in equity against any person violating or threatening to violate any covenant either to restrain violation or to recover damages. Enforcement may be undertaken by any grantor or grantee in the chain of title, any property owner in the subdivision, any property owner lying downstream or upstream adversely effected by any violation or threat to violate this covenant, the host municipality, the SMC, or the U.S. Army Corps of Engineers ("USACE").
5. Reference. This restrictive covenant shall be referenced on the deed or other instruments of conveyance for said property.

In Witness Whereof _____, the fee owner, has caused these presents to be signed and acknowledged, this _____ day of _____, 2_____.

By: _____