

## LAND COVER EASEMENT FOR VRRM COMPLIANCE

THIS DEED FURTHER WITNESSETH, that in consideration of the sum of One Dollar (\$1.00), cash in hand paid, receipt of which is hereby acknowledged, and for the purpose of stormwater protection and compliance with the Land Cover Guidance in the Virginia Stormwater Management Handbook for use in the Virginia Runoff Reduction Method (“VRRM”) as required by the Virginia SWM Regulations (“Regulations”), in order to assure that areas considered as forest/open space for stormwater purposes shall remain undisturbed and be maintained in a natural vegetated state, the Owner hereby grants and conveys unto the County, its successors and assigns, a Land Cover Easement in the area[s] shown on the Plat as "**VRRM Land Cover Easement**", in order to preserve such area[s] as undisturbed forest/open space in accordance with the following terms and conditions:

1. Except for the activities and actions expressly permitted hereunder, the property within the Land Cover Easement shall not be denuded, defaced, or disturbed in any manner, or subjected to vehicular access, and no trees or other foliage or other non-invasive species shall be removed, denuded, defaced, or disturbed in any manner.

2. The Owner may conduct forest management techniques, performed by or recommended by a professional forester or certified arborist, that are necessary to protect or enhance the viability of the existing trees or other foliage. Such forest management techniques may include, without limitation, pruning and the removal of vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infested, or dead.

3. No disturbance of the land, trees or other foliage or other activities shall be conducted or permitted within the Land Cover Easement except the following: forest management techniques described above; replanting and revegetating; passive recreation such as pervious trails; and limited (no more than four (4) times a year) mowing or bush hogging; installation, operation, maintenance, expansion, removal, repair and replacement of utilities and associated facilities provided that (i) all areas disturbed shall be promptly restored to a hydrologically functional state and as nearly as possible to their predevelopment condition consistent with the VRRM analysis, (ii) soil restoration techniques shall be promptly applied per the Virginia BMP Clearinghouse, (iii)

site reforestation shall be promptly performed, if applicable and (iv) all required Loudoun County plan approvals and permits shall have been obtained.

4. The County and the Commonwealth are hereby expressly granted the right pursuant to this stormwater protection easement to enter, inspect and maintain any area which lies within such easement, and to remove any improvements or other items which are constructed or located within such easement in contravention of the terms stated herein.

5. The Owner, its successors and assigns, shall be responsible for maintenance of the property that is subject to the Land Cover Easement. The maintenance of the property within such easement shall be the right but shall not be the responsibility of the County or the Commonwealth.

6. As the purpose of the Land Cover Easement is to assure compliance with the VRRM and the Regulations, in the event that the Owner requests County approval to modify or vacate any portion of the Land Cover Easement, such approval will not be granted unless Owner provides adequate assurance that the Property shall remain in compliance with the VRRM and the Regulations, as demonstrated through a revision to the approved stormwater management plan or other means determined to be acceptable by the Loudoun County VSMP Administrator. As a condition to any such approval, the Owner may be required to fully compensate for any deficiency in pollutant load reduction and any increase in the flowrate or volume of stormwater runoff that would result from such modification or vacation.

7. The VRRM Land Cover Easement conveyed herein shall be depicted upon all site plans and permit applications for the Property that include any portion of the Property that lies within the said Easement.