

CLEAR SIGHT TRIANGLE COVENANTS AND RESTRICTIONS

Prepared by: _____
(Signature of Preparer) (Date)

(Print Name of Preparer)

THIS DECLARATION OF COVENANTS AND RESTRICTIONS is made this _____ day of, _____, 20____, by _____ (name of landowner, as shown on deed) _____ residing at _____ in the municipality of _____ and State of _____ hereinafter called the Declarant.

WITNESSETH, WHEREAS Declarant is the owner of real property located at _____ and being Block(s) _____, Lot(s) _____ on the tax map of the municipality of _____ which property is the subject of an application for site plan / subdivision development submitted to the Atlantic County Development Review Committee under County File No _____, and

WHEREAS, it is in the interest of the general public and the welfare of the County of Atlantic that the lands hereinafter described shall at all times remain open space for the purpose of permitting the operators of vehicles and pedestrians to see across said lands, and to provide a clear view of pedestrians and on-coming vehicles, in accordance with County File No. _____ and Atlantic County Land Development Standards Ordinance.

NOW THEREFORE, in consideration of the benefits accruing to the Declarant and to the public, and other good and valuable consideration the receipt of which the Declarant hereby acknowledges, the Declarant declares that the real property described herein shall be held, transferred, sold, conveyed, leased, occupied and used subject to the covenants, restrictions, conditions, charges, assessments, obligations and liens hereinafter set forth.

(1) Declarant covenants for itself, its successors and assigns that it will maintain at all times a clear sight area across the land hereinafter described, for the benefit of vehicle operators and pedestrians traversing the abutting County street, roads or highways. There shall not be erected at any time upon the said lands any permanent or temporary building, structure, sign, vegetation or other object that may in any way interfere with the line of sight of operators of vehicles or pedestrians traversing the abutting streets, roads or highways and the Grantor shall remove any brush, trees, weeds or other growth or any other debris, or other objects from the land hereinafter described,

(2) Notwithstanding the provisions of the preceeding paragraph, the Grantor shall be permitted to maintain any ground cover, shrubs, land scaping and other objects at a height of no more than two feet within the land hereinafter described, or less than ten feet above the elevation of the horizontal plane created by the centerlines of the existing intersecting roads or driveways.

(3) These restrictions shall not apply to duly authorized traffic control devices and public utility structures. or to other objects authorized by the Grantor's approved site / subdivision plan.

(4) Failure to maintain such clear sight areas shall be a violation of the Atlantic County Land Development Standards Ordinance and a violation of this declaration. In the event that the Grantor fail to maintain a clear sight triangle area, the County of Atlantic, its agents, representatives or employees may enter upon and re-renter upon said lands hereinafter described for the purpose of clearing any brush, trees, weeds, signs, structures or other obstructions upon said land, for the purpose of establishing a clear sight or view of operators of vehicles or pedestrians traversing the abutting streets, roads or highways and the owner or successor(s) shall reimburse the County for expenses therefore.

(5) Nothing herein shall be deemed to limit or otherwise prevent a municipal enforcement of this clear sight area, in accordance with any agreement or provision of law.

(6) The covenants and restrictions set forth in this Declaration shall run with and bind all of the land described herein, identified as Block(s) _____, Lot (s) _____ on the municipal tax map of _____ and specifically described on the attached Exhibit #1 - Metes and Bounds Description and Exhibit #2 - Parcel Map prepared by _____ and dated _____ and shall insure to the benefit of and be enforceable by the County of Atlantic or its successor in interest.

(7) Any notice required to be sent to Declarant shall be deemed to have been properly sent, and notice thereby given, when mailed by regular mail, postage prepaid, to Declarant or its successor in interest at the last known post office address shown on the municipal tax records for the real property described herein.

(8) Enforcement of the covenants and restrictions shall be by any appropriate proceeding in law or equity.

(9) Should any covenant or restriction contained herein be declared void, invalid, illegal or unenforceable for any reason by any court of competent jurisdiction, such judgement shall not affect the remaining provisions hereof which shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has/have hereunto set hand and seal, Or the _____ has caused its corporate seal to be hereto affixed and attested its proper corporate officer this _____ day of _____, 20 _____.

ATTEST:

(Signature of Witness)

(Date)

(Signature of Declarant)

(Date)

(Print Name of Witness)

(Print Name of Declarant)
(corporate title & seal if applicable)

INDIVIDUAL ACKNOWLEDGMENT

STATE OF NEW JERSEY

SS

COUNTY OF ATLANTIC

BE IT REMEMBERED that on this day of ,20 , before

me the subscriber _____
(name of person taking acknowledgment)

appeared _____
(Grantor/Declarant)

who, I am satisfied, is/are the person/s named in and who executed the within instrument. and thereupon he/she/they acknowledged that he/she/they signed, sealed and delivered the same as his/her/their act and deed, for the uses and purposes therein expressed, and that the full and actual consideration as defined in P.L. 1968 C.49, Sec. 1(c), is \$1.00.

Deed acknowledged by: _____
(Seal of Notary)

CORPORATE ACKNOWLEDGMENT

STATE OF NEW JERSEY
SS
COUNTY OF ATLANTIC

BE IT REMEMBERED that on this day of , 20 , before

me the subscriber _____
(name of person taking acknowledgment)

personally appeared _____
(Grantor/Declarant)

who being by me duly sworn on his/her oath, deposes and makes proof to my satisfaction that she/he is the _____ of _____ the corporation named in the within instrument; that she/he signed the same as such officer; that such instrument is sealed with the corporate seal; that the instrument is made by virtue of authority of the Board of Directors of said Corporation for the uses and purposes therein expressed, and that the full and actual consideration as defined in P.L. 1968 C.49 Sec. 1(c), is \$1.00

Deed acknowledged by: _____
(Seal of Notary)