

**RESOLUTION  
VEGETATED BUFFER AREAS RECORDED ON DEEDS AND IN LAND RECORDS  
E&R/P&Z 2008-03-J**

WHEREAS, the Chesapeake Bay Preservation Ordinance and the County Public Facilities Manual provide for agreements and restrictive easements to sustain water quality;

WHEREAS, vegetated buffers have been required by the county as a condition in granting a modification to requirements of the Chesapeake Bay Ordinance;

WHEREAS, when the County requires a vegetative buffer to be installed by the permit seeker but does not require this vegetated buffer "to run with the land" through documentation in the land records or deed, the County's action has negated the value and purpose of this requirement (generally to protect the water quality and quantity of flow);

WHEREAS, in accordance with the County Executive's Memorandum dated January 28, 2008, staff can require a deed restriction for the vegetative buffer as another condition for modification/waiver;

WHEREAS, while the existence of a recorded buffer or easement may not always be shown on the land plat, it will be identified through a title search (which is a condition of sale), the findings of which are generally discussed at the settlement table;

WHEREAS, this deed restriction will "run with the land" providing notice to all future owners that this buffer/easement exists and that their obligation is to maintain it for the purpose of sustaining water quality;

THEREFORE BE IT RESOLVED that the Mount Vernon Council of Citizens' Associations requests that the Board of Supervisors direct the county staff to require restrictive easements when vegetated buffers are required, and that such easements be recorded on the respective plat, land record and deed.