## Attachment 26B: Sample Termination and Release of Declaration of Restrictive Covenant

This Instrument Prepared by:

*{{name, company & full mailing*

*address of non-FDEP person*

*who prepared termination - typically*

*the real property owner, consultant or attorney}}*

**TERMINATION AND RELEASE OF**

**DECLARATION OF RESTRICTIVE COVENANT**

THIS TERMINATION AND RELEASE OF DECLARATION OF RESTRICTIVE

COVENANT ("Termination") is made by *{{property owner}} {{, a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_* corporation/limited liability company, etc.}} (hereinafter “Owner”) andthe FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter "FDEP").

WHEREAS, Owner *{{if a prior owner, explain}}* and FDEP entered into that certain Declaration of Restrictive Covenant (hereinafter “Declaration”) dated {{date}} which was recorded in Official Records Book, {{book #}}, Page {{page #}} *{{If there are any amendments to the Declaration, those amendments with book and page numbers should also be listed.}}* of the Public Records of {{name of county}} County, Florida affecting that certain real property situated at {{address}} in the City of {{name of city}} in the County of {{name of county}}, State of Florida, more particularly described in Exhibit "A" attached hereto and made a part hereof (hereinafter the "Property")*{{Attach legal description of the property as Exhibit A or, if short enough, restate the legal description here as part of this paragraph}}*.

WHEREAS, the FDEP Facility Identification Number for the Property is *{{\_\_\_\_\_\_\_\_\_\_\_­­­­­­­ or EPA # or other #, if applicable}}*. This Termination addresses the discharge that was reported to the FDEP on *{{date}}.*

WHEREAS, *{{Basic information regarding subsequent remediation of the discharge and/or subsequent sampling of soil/groundwater.}}* Concentrations of *{{dry cleaning solvents, petroleum products, etc.}* on the Property are documented in the following reports that are incorporated by reference *{{ONLY what is applicable to the completion of remediating contamination on the site should be listed*. *Example:*

1. *Site Assessment Report Addendum dated \_\_\_\_\_\_, submitted by {{Company that prepared report}}; and*

1. *No Further Action without Conditions Proposal or Site Rehabilitation Completion Report dated \_\_\_\_\_\_\_\_\_\_\_, submitted by {{Company that prepared report.}}*

WHEREAS, Owner has demonstrated to FDEP’s satisfaction that the criteria in Chapter 62-780, Florida Administrative Code (F.A.C.) has been met. The submittals above indicate that {{soil and/or groundwater}} contaminant concentrations are below the applicable Soil Cleanup Target Levels and Maximum Concentration Limits and/or Groundwater Cleanup Target Levels as adopted in Chapter 62-777, F.A.C. Therefore, the Property no longer needs to be restricted against {{type of restriction in the existing Declaration}}.

NOW THEREFORE, the Declaration is hereby terminated, and the Property is hereby released from the restrictive covenants {{and any and all amendments}} contained in the Declaration. This Termination will be recorded in the Public Records of {{name of county}} County which will terminate the Declaration. Nothing contained in this Termination is intended nor shall be construed to terminate or release any restriction or condition affecting any property other than the Property more particularly described in this Termination.

**--The remainder of this page is intentionally left blank. ---**

{{Place a hard page break here so that none of OWNER’S signature page is on the pages of text.}}

IN WITNESS WHEREOF, {{*Insert OWNER’s name}*} has executed this instrument, this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_.

**OWNER**

*{{Company Name, if Applicable}}*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*{{Name of Signatory}}*

*{{And, provide document proving signatory’s authorization to sign on OWNER’s behalf}}*

*{{Title of Signatory}}*

*{{Mailing Address}}*

*­­­­­­­­­*

Signed, sealed and delivered in the presence of:

Witness: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Witness: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

STATE OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_\_\_, by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **OR**  by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Personally Known\_\_\_\_\_\_\_ OR Produced Identification\_\_\_\_\_\_\_.

Type of Identification Produced\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Notary Public

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name of Notary Public

Commission No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Commission Expires\_\_\_\_\_\_\_\_\_\_\_\_

*{{Place a hard page break here to ensure that none of FDEP’s signature page is on OWNER’s signature page.}}*

Approved as to form by the Florida Department of Environmental Protection, Office of General Counsel \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

IN WITNESS WHEREOF, the Florida Department of Environmental Protection has executed this instrument, this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_.

**FLORIDA DEPARTMENT OF**

**ENVIRONMENTAL PROTECTION**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*{{Name of Signatory}}*

*{{Title of Signatory}}*

*{{either “Petroleum Restoration Program,” OR* “*Waste Cleanup Program,” OR “\_\_\_\_\_\_\_\_\_ District Office”}}*

*{{Mailing Address*}}

*{{FDEP Site/Project Managers should provide the above information to OWNER}}*

Signed, sealed and delivered in the presence of:

Witness: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Witness: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

STATE OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_\_\_, by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as representative for the Florida Department of Environmental Protection.

Personally Known \_\_\_\_\_\_\_ OR Produced Identification \_\_\_\_\_\_\_\_\_\_\_\_.

Type of Identification Produced \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Notary Public

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name of Notary Public

Commission No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Commission Expires\_\_\_\_\_\_\_\_\_\_\_\_