

OVERLAND DRAINAGE EASEMENT AND RESTRICTIVE COVENANT

THIS AGREEMENT made effective as of the ____ day of _____, _____.

BETWEEN:

GRANTOR
[address]
(the "Grantor")

OF THE FIRST PART

- and -

GRANTEE
[address]
(the "Grantee")

OF THE SECOND PART

WHEREAS:

- A. The Grantor is registered as an owner in fee simple, subject to any registered encumbrances and liens, of the lands situate in the Province of Alberta, as more particularly described in Schedule "A" hereto (the "Lands");
- B. The Grantor wishes to provide for the provision and protection of a drainage plan for the benefit of the Lands;
- C. Section _____ [check the Act, section numbers may change] of the *Land Titles Act* provides that an owner may grant to itself an easement or restrictive covenant for or against land that it owns which easement or restrictive covenant may be registered against title to the owner's lands under the said Act;

NOW THEREFORE THIS AGREEMENT WITNESSES THAT:

- 1. In this Agreement, including this paragraph, unless the context otherwise requires:
 - (a) "Benefited Lands" means any one or more of the Units in favour of which an easement is granted under this Agreement;
 - (b) "Burdened Lands" means the Units which are the subject of an easement under this agreement.
 - (c) "Easement Area" means that portion or portions of the Units described as such in Schedule "B" attached hereto.
 - (d) "Engineer" means a professional engineer or firm of professional engineers engaged by the Grantor from time to time for the purpose of providing engineering services to the Grantor.
 - (e) "overland Drainage Facility" means any facility or facilities for the drainage or control of storm water including, without restricting the generality of the foregoing:
 - (i) a grass swale;
 - (ii) a concrete or asphalt sidewalk, walkway, gutter or swale;
 - (iii) a drainage swale of any kind;
 - (iv) a drainage control structure; and
 - (v) the sloping and contouring of Land to facilitate the drainage or control of storm water.

- (f) "Owner" or "Owners" means the registered owner or owners of any one or more of the Units.
 - (g) "Unit" or "Units" means any one or more of the bare land condominium units described in Schedule "___" attached hereto.
- 2.(a) Subject to the terms and conditions herein contained, the Grantor, as registered owner in fee simple of the Units does for itself and its successors and assigns HEREBY COVENANT AND AGREE AND GRANT unto itself for the benefit of each Unit (being the Benefited Lands) the following rights, privileges and easements in, under, over, across and through the Units (being the Burdened Lands):