

Recorded at the request of and mail to:

(Name) \_\_\_\_\_

(Address) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SPACE ABOVE THIS LINE FOR COUNTY RECORDER'S USE

**COVENANT AND AGREEMENT  
REGARDING MAINTENANCE OF UNCERTIFIED FILL**

(Pre-printed text shall not be changed except when done by an authorized City of Milpitas Building Safety and Housing Department employee.)

The undersigned hereby certify that (I am) (we are) the owner(s) of real property located in the City of Milpitas, State of California that is hereinafter legally described (as follows) (on the attached exhibit(s)):

**LEGAL DESCRIPTION:**

APN \_\_\_\_\_ LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ TRACT \_\_\_\_\_

as recorded in BOOK \_\_\_\_\_ PAGE \_\_\_\_\_, Records of Santa Clara County.

This property is located and known as the following **ADDRESS:** \_\_\_\_\_

This covenant and agreement is executed as a condition of approval from the Building Safety and Housing Department, City of Milpitas, State of California. I am (We are) fully aware that an existing pool or spa shell was left in-place and backfilled with uncertified fill on this site (SEE ATTACHED PLOT PLAN FOR LOCATION). Furthermore, I am (we are) fully aware that uncertified fills are not to be used to support buildings or structures. As a condition of the approval granted by the City of Milpitas, I (we) agree to use this area only for open space and not for any structural support.

This covenant and agreement shall run with the above described land and shall be binding upon ourselves, and future owners, encumbrances, their successors, heirs or assignees and shall continue in effect until released by the authority of the Building Official of the City of Milpitas upon submittal of request, applicable fees and evidence that this covenant and agreement is no longer required by law.

**SIGNATURES  
MUST BE  
NOTARIZED**

Owner's Name \_\_\_\_\_  
(Please type or print)

Signature of Owner \_\_\_\_\_  
(Signature)

Two Officer's Signatures  
Required for Corporation \_\_\_\_\_  
(Signature)

Name of Corporation \_\_\_\_\_  
(Please type or print)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

STATE OF CALIFORNIA, COUNTY OF \_\_\_\_\_

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared \_\_\_\_\_, who proved to me the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under **PENALTY OF PERJURY** under the laws of the State of California that the forgoing is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_  
(Signature of Notary Public)

**FOR DEPARTMENT USE ONLY**  
MUST BE APPROVED BY MILPITAS BUILDING SAFETY AND HOUSING DEPARTMENT PRIOR TO RECORDING

APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
(Print Name) (Signature)