

224.80-130 Information, restrictions, and requirements to be included in environmental covenant.

- (1) An environmental covenant shall:
 - (a) State that the instrument is an environmental covenant executed pursuant to KRS 224.80-100 to 224.80-210;
 - (b) Contain a legal description of the real property and a metes and bounds description of the portion of the real property;
 - (c) Describe the activity and use limitations imposed on the real property;
 - (d) Identify every holder;
 - (e) Be signed by the cabinet, by every holder, and, unless waived by the cabinet, by every owner of an interest in the real property subject to the environmental covenant; and
 - (f) Identify the name and location of any administrative record for the environmental response project.
- (2) In addition to the information required under subsection (1) of this section, an environmental covenant may contain other information, restrictions, and requirements agreed to by the persons who signed it, including:
 - (a) Requirements for notice following transfer of a specified interest in, or concerning proposed changes in use of, application for building permits for, or proposals for any site work affecting the contamination on, the property subject to the covenant;
 - (b) Requirements for periodic reporting describing compliance with the covenant;
 - (c) Rights of access to the property granted in connection with implementation or enforcement of the covenant;
 - (d) A brief narrative description of the contamination and remedy, including the contaminants of concern, the pathways of exposure, limits on exposure, and the location and extent of the contamination;
 - (e) Limitation on amendment or termination of the covenant in addition to those contained in KRS 224.80-180 and 224.80-190; and
 - (f) Rights of the holder in addition to the holder's right to enforce the covenant pursuant to KRS 224.80-200.

Effective: June 20, 2005

History: Created 2005 Ky. Acts ch. 92, sec. 4, effective June 20, 2005.