

(5) IT IMPOSES AN AFFIRMATIVE OBLIGATION ON A PERSON HAVING AN INTEREST IN THE REAL PROPERTY OR ON THE HOLDER;

(6) THE BENEFIT OR BURDEN DOES NOT TOUCH OR CONCERN REAL PROPERTY;

(7) THERE IS NO PRIVITY OF ESTATE OR CONTRACT;

(8) THE HOLDER DIES, CEASES TO EXIST, RESIGNS, OR IS REPLACED; OR

(9) THE OWNER OF AN INTEREST SUBJECT TO THE ENVIRONMENTAL COVENANT AND THE HOLDER ARE THE SAME PERSON.

(C) AN INSTRUMENT THAT CREATES RESTRICTIONS OR OBLIGATIONS WITH RESPECT TO REAL PROPERTY THAT WOULD QUALIFY AS ACTIVITY AND USE LIMITATIONS EXCEPT FOR THE FACT THAT THE INSTRUMENT WAS RECORDED BEFORE OCTOBER 1, 2005, IS NOT INVALID OR UNENFORCEABLE BECAUSE OF ANY OF THE LIMITATIONS ON ENFORCEMENT OF INTERESTS DESCRIBED IN SUBSECTION (B) OF THIS SECTION OR BECAUSE IT WAS IDENTIFIED AS AN EASEMENT, SERVITUDE, DEED RESTRICTION, OR OTHER INTEREST. THIS SUBTITLE DOES NOT APPLY IN ANY OTHER RESPECT TO SUCH AN INSTRUMENT.

(D) THIS SUBTITLE DOES NOT INVALIDATE OR RENDER UNENFORCEABLE ANY INTEREST, WHETHER DESIGNATED AS AN ENVIRONMENTAL COVENANT OR OTHER INTEREST, THAT IS OTHERWISE ENFORCEABLE UNDER STATE LAW.

1-805.

(A) THIS SUBTITLE DOES NOT AUTHORIZE A USE OF REAL PROPERTY THAT IS OTHERWISE PROHIBITED BY ZONING, BY LAW OTHER THAN THIS SUBTITLE REGULATING USE OF REAL PROPERTY, OR BY A RECORDED INSTRUMENT THAT HAS PRIORITY OVER THE ENVIRONMENTAL COVENANT.

(B) AN ENVIRONMENTAL COVENANT MAY PROHIBIT OR RESTRICT USES OF REAL PROPERTY THAT ARE AUTHORIZED BY ZONING OR BY LAW OTHER THAN THIS SUBTITLE.

1-806.

(A) A COPY OF AN ENVIRONMENTAL COVENANT SHALL BE PROVIDED BY THE PERSONS AND IN THE MANNER REQUIRED BY THE AGENCY TO:

(1) EACH PERSON THAT SIGNED THE COVENANT;

(2) EACH PERSON HOLDING A RECORDED INTEREST IN THE REAL PROPERTY SUBJECT TO THE COVENANT;

(3) EACH PERSON IN POSSESSION OF THE REAL PROPERTY SUBJECT TO THE COVENANT;

(4) EACH MUNICIPALITY OR OTHER UNIT OF LOCAL GOVERNMENT IN WHICH REAL PROPERTY SUBJECT TO THE COVENANT IS LOCATED; AND

(5) ANY OTHER PERSON THE AGENCY REQUIRES.