

STATE OF NORTH CAROLINA
CUMBERLAND COUNTY

STORMWATER OPERATION AND MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this the ____ day of _____, by and between Town of Spring Lake, hereinafter referred to as Town, and _____, hereinafter referred to as Owner;

WITNESSETH

THAT WHEREAS, Owner is this day accepting responsibility for the stormwater best management practice (BMP) device(s) installed on that certain real property known as _____, as described in the deed and as shown on the plat thereof recorded in the Deed Book _____, Page _____, and/or Plat Book _____, Page _____, Cumberland County Registry; and

WHEREAS, as a part of the construction of the development the Town's Phase II Stormwater Ordinance required that a stormwater Best Management Practice (BMP) device(s) be constructed; and

WHEREAS, the Owner accepts responsibility for the maintenance of the stormwater BMP device(s) listed below as prescribed in the attached minimum maintenance measures addendum/addenda; and

WHEREAS, the Owner grants access to Town of Spring Lake to inspect the stormwater BMP device(s); and

WHEREAS, the Owner understands that this Agreement shall endure to the benefit of his successors in title, whomsoever they may be in the future.

NOW, THEREFORE, it is understood and agreed by and between the parties:

1. The maintenance of the stormwater BMP device(s) listed below shall be the sole responsibility of the Owner.

2. The responsibility for the maintenance of the stormwater BMP device(s) shall pass in the chain of title to the Owner's successor in interest.
3. Access is granted to Town of Spring Lake to carry out all provisions of the Town's Phase II Stormwater Ordinance, including but not limited to inspections of the stormwater BMP device(s).
4. Annually, the Owner shall provide an annual inspection report for each stormwater BMP device listed below from a qualified professional according to the Town's Phase II Stormwater Ordinance.
5. The annual inspection shall occur before the first and each subsequent anniversary of the as-built certification. The inspection report(s) shall be submitted to:

Town of Spring Lake
Stormwater Division
300 Ruth Street
Spring Lake, NC 28390

6. An addendum shall be included with this stormwater agreement for each different type of stormwater BMP device. These addenda shall describe the minimum maintenance measures to be performed for each stormwater BMP device. All stormwater BMP devices from the project are listed below.

1. _____
2. _____
3. _____
4. _____
5. _____

In Witness Whereof, the parties have executed this Agreement the day and year above first written.

Owner _____

Owner _____

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public of _____ County, in the State of North Carolina, do hereby certify that _____ personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and seal, this _____ day of _____, 20_____.

(SEAL)

Notary Public

My Commission Expires: _____