



Stormwater Operations and Maintenance Plan

AGREEMENT

This Operation and Maintenance Agreement (“Agreement”) is established this ____ day of _____, 20____, by _____ (“Owner”), who is the owner of the Property (hereinafter defined), on behalf of the Owner, the Association (if applicable), and all successor Owners of the Property and the Town of Chapel Hill (“Town”).

Owner represents, warrants, and agrees that Owner is financially responsible for the maintenance, repair and replacement of all stormwater control structures, appurtenances and vegetation located on the Property. Owner agrees to perform the maintenance as outlined in the Stormwater Operations and Maintenance Plan for each Stormwater Control Measure and as may be applicable or required as part of the regulations set forth in Section 5.4 of the Town of Chapel Hill’s Land Use Management Ordinance. A Homeowners Association or Property Owners Association shall not be the financially responsible party unless more than 50% of the lots or units on the Property have been sold and a resident of the Association has been named the president.

Owner agrees that the Town has the right to access the Stormwater Control Measure(s) (hereinafter “SCM”) on the Property, as deemed necessary in the Town’s sole discretion, by way of the ‘SCM Maintenance & Access Easement’ as recorded on the final plat. Owner recognizes and agrees that Owner is responsible for the maintenance and upkeep of the SCM Maintenance & Access easement. Owner acknowledges that Town’s authorized access to the SCM(s) does not create any operation or maintenance responsibility or obligation on the part of the Town.

Owner shall keep a maintenance record for routine maintenance performed related to SCMs on the Property (“SCM Inspection and Maintenance Log”). The SCM Maintenance Log shall be kept updated by the Owner and be submitted to the Town each year as part of the required annual inspection report package during the month in which acceptance of the as-built certification of the stormwater control measure occurred. Any deficiencies noted during routine maintenance shall be corrected, repaired or replaced immediately by Owner. The Owner agrees to notify the Town of any problems with the system or prior to any changes to the SCM.

The Owner must submit this executed Agreement with the Stormwater Operations and Maintenance Plan applicable to the SCMs located on the Property and a copy of the approved As-Built Plans to the Town. Once approved, the Owner shall submit these documents to Orange County Register of Deeds for recordation, and proof of submittal shall be provided to the Town prior to issuance of the Certificate of Occupancy. The Owner shall fulfill the requirements of this Agreement effective upon issuance of the Certificate of Occupancy. In case the ownership of the SCM transfers, the Owner shall, within thirty (30) days of transfer of ownership, notify the Town of such ownership transfer.

Project Name: _____

Parcel Identifier Number: _____

Identify the Stormwater Control Measures on site in the table below.

Stormwater Control Measures	Quantity	ID Number (as noted on plan)
Bioretention Cell		
Dry Pond		
Engineered Tree Pit		
Grassed Swale		
Green Roof		
Hydrodynamic Separator		
Infiltration System		
Level Spreader-Filter Strip		
Other Type		
Permeable Pavement		
Proprietary System (Identify)		
Sand Filter		
Stormwater Wetland		
Underground Detention		
Wet Pond		

Print Name of Owner: _____

Title & Organization: _____

Street Address: _____

City, State, Zip: _____

Phone Number (s): _____

Email: _____

IN WITNESS WHEREOF, the Owner has hereunto set its hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, this the day and year first above written.

Signature of Owner: _____

STATE OF NORTH CAROLINA

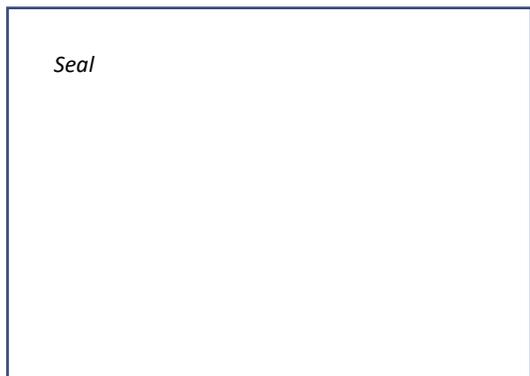
COUNTY OF _____ [county in which acknowledgement taken]

I, _____, a Notary Public of _____

County, North Carolina, do hereby certify that _____

personally appeared before me this day and acknowledge the due execution of the forgoing instrument.

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



Signature of Notary Public

My Commission Expires _____