



Return after Jessica Sloan
recording to: Town of Apex
 PO Box 250
 Apex, NC 27502

LEVEL SPREADER/FILTER STRIP OPERATION & MAINTENANCE 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 Apex (“Town”).

The “Property” is that certain property known as _____ and which is more particularly described in that certain deed recorded in Book _____ Page _____, Wake County Registry.

Owner represents, warrants, and agrees that Owner is financially responsible for the construction, maintenance, repair and replacement of all stormwater control structures, appurtenances and vegetation, including the impoundment, located on the Property. Owner agrees to perform the maintenance as outlined below and as may be applicable or required as part of the regulations set forth in Section 6.1.12 of the Town of Apex Unified Development Ordinance. A Homeowners Association or Property Owners Association shall not be the financially responsible party unless more than 50% of the lots or units have been sold and a resident of the subdivision has been named the president.

Owner shall keep a maintenance record for maintenance performed related to stormwater Best Management Practices on the Property (“BMP Maintenance Record”). The BMP Maintenance Record shall be kept by Owner in a log and be made available upon request. Any deficient BMP elements noted in the inspection shall be corrected, repaired or replaced

immediately by Owner. These deficiencies can affect the integrity of structures, safety of the public, and the pollutant removal efficiency of the BMP.

NUMBER OF LEVEL SPREADERS/FILTER STRIPS: _____

A level spreader consists of a concrete linear structure constructed at virtually zero percent grade. One of the main purposes of a level spreader is to disperse concentrated stormwater flows over a wide enough area to prevent erosion of the BMP or filter strip where it outlets. A filter strip is a section of land capable of sustaining sheet flow and is either forested or vegetated with turf grasses or other plants. Level spreaders do not remove pollutants by themselves, but they are crucial in assuring the effectiveness of certain BMPs and in protecting the function of riparian buffers.

Inspection and maintenance procedures:

- The level lip shall be inspected for settling, erosion, or concentrated flow.
- Weeds or shrubs growing on level spreader or in the blind swale shall be removed.
- Immediately after the filter strip is established, any newly planted vegetation shall be watered twice weekly if needed until the plants become established (commonly six weeks). The watering shall take place on designated days according to the odd/even watering schedule cited in the Town of Apex Code of Ordinances.

After the level spreader/filter strip is installed/established, Owner shall inspect once a quarter and within 24 hours after every storm event greater than 1.0 inches. Owner shall keep records of inspection and maintenance and should be made available upon request.

Notices to Owner shall be sent to:

(Phone number)

Notices to Town shall be sent to:

Stormwater & Utility Engineering Manager
 PO Box 250
 Apex, NC 27502
 (919) 249-3413

Inspection activities shall be performed by Owner as follows. Any problems that are found shall be repaired by Owner immediately.

BMP Element	Potential Problems	Problem Remediation
The entire filter strip system	Trash/debris is present.	Remove the trash/debris.
The flow splitter device (if applicable)	The flow splitter device is clogged.	Unclog the conveyance and dispose of any sediment off-site.
	The flow splitter device is damaged.	Make any necessary repairs or replace if damage is too large for repair.
The swale and the level lip	The swale is clogged with sediment.	Remove the sediment and dispose of it off-site.
	The level lip is cracked, settled, undercut, eroded or otherwise damaged.	Repair or replace lip.
	There is erosion around the end of the level spreader that shows stormwater has bypassed it.	Regrade the soil to create a berm that is higher than the level lip. Plant a ground cover and water until it is established. Provide lime and a one-time fertilizer application.
	Trees or shrubs have begun to grow on the swale or just downslope of the level lip.	Remove them.
The bypass channel	Areas of bare soil and/or erosive gullies have formed.	Regrade the soil if necessary to remove the gully, and then reestablish proper erosion control.
	Turf reinforcement is damaged or riprap is rolling downhill.	Study the site to see if a larger bypass channel is needed (enlarge if necessary). After this, reestablish the erosion control material.
	Grass is too short or too long.	Maintain grass at a height of approximately three to six inches.

BMP Element	Potential Problems	Problem Remediation
The filter strip	Areas of bare soil and/or erosive gullies have formed.	Regrade the soil if necessary to remove the gully, and then plant a ground cover and water until it is established. Provide lime and a one-time fertilizer application.
	Sediment is building up on the filter strip.	Remove the sediment and re-stabilize the soil with vegetation if necessary. Provide lime and a one-time fertilizer application.
	Plants are desiccated.	Provide additional irrigation and fertilizer as needed.
	Plants are dead, diseased, or dying.	Determine the source of the problem: soils, hydrology, disease, etc. Remedy the problem and replace plants. Provide a one-time fertilizer application.
	Nuisance vegetation is choking out desirable species.	Remove vegetation by hand if possible. If pesticide is used, do not allow it to get into the receiving water.
The outlet device	Erosion or other signs of damage have occurred in the outlet.	Repair or replace as necessary.

The agreements, conditions and obligations contained herein are and shall be covenants and the same shall be binding upon the Owner and its agents, personal representatives, heirs and assigns and all other successors in interest and shall continue as a servitude running with the above described land in perpetuity. Owner agrees to notify the Town of Apex of any problems with the BMP and notify the Town prior to any changes to the BMP or responsible party.

IN WITNESS WHEREOF, the Owner 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, the day and year first written above.

(Owner)

Title

Attest:

Secretary (Corporate Seal)

STATE OF _____

_____ COUNTY

I, the undersigned Notary Public, do hereby certify that _____ personally appeared before me this day and acknowledge the execution of the foregoing instrument.

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

My commission expires: _____

Notary Public

SEAL