



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

### **UNDERGROUND DETENTION SYSTEM 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 in a known, set location and 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 AND SIZE OF UNDERGROUND DETENTION SYSTEMS: \_\_\_\_\_

Underground detention systems capture and hold stormwater in underground pipe systems or vaults designed to provide water quantity control until it can receive treatment.

Inspection and maintenance procedures:

- When storage volume has been significantly reduced, sediment and floatable debris shall be cleaned out using catch basin cleaning equipment (including vacuum pumps.)

After the underground detention system is installed, Owner shall inspect it once a quarter and within 24 hours after every storm event greater than 1.0 inches. Owner shall keep records of inspection and maintenance in a known, set location and will 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.

<b>BMP Element</b>	<b>Potential Problems</b>	<b>Problem Remediation</b>
<b>The entire BMP</b>	Trash/debris is present.	Remove the trash/debris.
<b>The inlet device</b>	The pipe is clogged.	Unclog the pipe. Dispose of the sediment off-site.
	The pipe is cracked or otherwise damaged.	Replace the pipe.
<b>The underground vault</b>	Sediment has accumulated to a depth greater than the original design depth for sediment storage.	Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the BMP.
	Structural damage has occurred to the vault, access hatch, access ladder, baffles, and/or weirs.	Repair or replace the vault and/or mechanical components as necessary.
	Oil is accumulating inside the vault.	Pump the accumulated oil out of the separator and dispose of properly.
	Blocked, damaged, or plugged air vents.	Clear vents from all blockages and make structural repairs/replacements as necessary.
<b>The outlet device</b>	Clogging has occurred.	Clean out the outlet device. Dispose of the sediment off-site.
	The outlet device is damaged.	Repair or replace 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