

STATE OF NORTH CAROLINA  
CATAWBA COUNTY

STORMWATER OPERATION AND MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this the \_\_\_\_ day of \_\_\_\_\_, by and between City of Hickory, hereinafter referred to as City, 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 \_\_\_\_\_, Catawba County Registry; and

WHEREAS, as a part of the construction of the development the City'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 City of Hickory 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 City of Hickory to carry out all provisions of the City'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 City'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 the City's Engineering Department at 76 North Center Street, or mailed to the City's Engineering Department, PO Box 398, Hickory, NC, 28603.

6. The Owner shall provide financial security to ensure perpetual maintenance of the following stormwater BMP device(s) listed below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. 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.

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

**A North Carolina Limited Liability Corporation**

ATTEST: (SEAL)

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
President

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ a Notary Public of said County and State, certify that \_\_\_\_\_ personally came before me this day and acknowledged that he/she is \_\_\_\_\_ of \_\_\_\_\_, a North Carolina \_\_\_\_\_, and that by authority duly given and as the act of the \_\_\_\_\_ Company, the foregoing instrument was signed in its name and by its \_\_\_\_\_, sealed with its corporate seal and attested by him/her as its \_\_\_\_\_.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ .

\_\_\_\_\_  
Notary Public

(SEAL)

My Commission Expires: \_\_\_\_\_.

ATTEST: (SEAL)

**CITY OF HICKORY,  
A North Carolina Municipal Corporation**

\_\_\_\_\_  
Pamela S. Tallent, City Clerk

By: \_\_\_\_\_  
Mick Berry, City Manager

This document has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
Deanna Rios, Assistant Finance Director  
City of Hickory

Approved as to form on behalf of the City of Hickory.

\_\_\_\_\_  
Attorney for the City of Hickory

STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

I, \_\_\_\_\_ a Notary Public of said County and State, certify that Pamela S. Tallent personally came before me this day and acknowledged that she is City Clerk of the City of Hickory, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the municipal corporation, the foregoing instrument was signed in its name and by its City Manager, sealed with its corporate seal and attested by her as its City Clerk.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ .

(SEAL)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_