

STATE OF NORTH CAROLINA
COUNTY OF _____

OPERATION AND MAINTENANCE AGREEMENT

THIS AGREEMENT made pursuant to Town of Kernersville Watershed Protection and Stormwater Ordinances and entered into this _____ day of _____, 20____, by and between the TOWN OF KERNERSVILLE, a North Carolina Municipal Corporation, Party of the First Part, hereinafter referred to as "TOWN"; and _____ and _____, Parties of the Second Part, here-in after referred to as "PROPERTY OWNER".

W I T N E S S E T H:

1. The PROPERTY OWNER is the owner of certain lands as described in Deed Book _____, Page _____, in the Office of the Register of Deeds of Forsyth County, North Carolina upon which it is erecting and will make improvements, said development to be known as _____ (hereinafter the "PROPERTY").
2. The Property Owner desires to build engineered Stormwater Control Measures (hereinafter SCMs) to provide storage and treatment of stormwater runoff to serve the development on said Property, as required by the Kernersville Watershed Protection and Stormwater Ordinances (hereinafter the "ORDINANCES").
3. The PROPERTY OWNER has applied to the TOWN for the issuance of a High-Density Watershed Permit (hereinafter "PERMIT") to construct, maintain and operate the SCMs consistent with the approved plans and specifications and the attached Operation and Maintenance Plan (Attachment A) and to develop lands within the _____ Watershed.
4. The PROPERTY OWNER has conveyed unto the TOWN, or its successors or assigns an easement from a public right-of-way establishing the right of ingress, egress and regress over the property for the purpose of inspection, repair, or maintenance of the SCMs. A description of the easement is contained within the Deed of Easement filed with the Register of Deeds together with all dedication(s) necessary for access to and from the SCMs. The SCM system, including components such as the side slopes,

forebay, riser structure, SCM device and inlets, dam embankments, outlet, and emergency spillway and sufficient area to perform inspections, maintenance, repairs and reconstruction together with all easements and right-of-way applying thereto has been described in the Deed of Easement.

5. The TOWN desires to assure that the SCMs on the PROPERTY are properly constructed, maintained and operated in accordance with law, the ORDINANCES, and PERMIT provisions in order to protect the quality of the waters of the State and the public interest therein.

NOW, THEREFORE, in consideration of the promises and the benefits to be derived by each of the parties hereto, the TOWN and PROPERTY OWNER do hereby mutually agree as follows:

1. The PROPERTY OWNER shall construct the SCMs in accordance with the ORDINANCES, PERMIT and approved plans and specifications hereafter issued and approved by the TOWN; and shall thereafter properly operate and maintain such systems and facilities in accordance with the ORDINANCES, applicable PERMIT provisions, approved plans and specifications of the SCMs, Operation and Maintenance Plan and Agreement, and State Law.
2. The PROPERTY OWNER shall not transfer ownership and/or control of any lots until construction of the SCMs have been completed in accordance with the PERMIT and approved plans, and the Kernersville Watershed Administrator has inspected the SCMs and the Town's Watershed Review Committee has determined the SCMs were constructed and are functioning as designed and approved. In order to change the name of the permit holder, the PROPERTY OWNER must request that the permit be reissued to the subsequent property owner(s).
3. The PROPERTY OWNER shall provide an Operation and Maintenance Plan (ATTACHMENT A) that specifies all necessary operation and maintenance procedures and that the SCMs, appurtenances and access easements thereto shall thereafter be properly maintained and operated in conformity with provisions of the ORDINANCES and PERMIT.
4. The agreements set forth in numbered Therefore paragraphs 1, 2, and 3, above shall be conditions of any PERMIT issued by the TOWN to the PROPERTY OWNER for the construction, maintenance, repair and operation of the SCMs.
5. A copy of this Operation and Maintenance Agreement shall be filed at the Forsyth County Register of Deeds and in the office of the Watershed Administrator.

IN WITNESS WHEREOF, the parties have hereto set their hands and seals, this _____ day of _____, 20____.

{SIGNATURES APPEAR ON THE FOLLOWING PAGES}

PARTY OF THE FIRST PART:

TOWN OF KERNERSVILLE

By: _____
Dawn H. Morgan, Mayor

ATTESTED TO:

Keith Hooker, Town Clerk

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

I, _____, a Notary Public of Forsyth County, North Carolina, do hereby certify that _____ personally came before me this day and acknowledged that she is the Town Clerk of the Town of Kernersville, a North Carolina municipal corporation, and that by authority duly given as the act of the Town of Kernersville, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by her as its Town Clerk.

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

Notary Public

Print/Type Name: _____

My Commission Expires: _____

(SEAL)

PARTY OF THE SECOND PART:

_____(SEAL)

By: _____

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STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public of _____ County,
North Carolina, do hereby certify that _____, the
_____ of _____ personally
came before me this day and acknowledged the execution and sealing of the foregoing instrument as
_____ on behalf of and as the act of the company referred to in
this acknowledgment.

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

Notary Public

Print/Type Name: _____

My Commission Expires: _____

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(or, if individual owner)

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public in and for said County and State,
do hereby certify that _____ personally appeared before
me this day and acknowledged the execution of the foregoing Deed of Easement.

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

Notary Public

Print/Type Name: _____

My Commission Expires: _____