

SAMPLE STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT

Whereas, the Town of Cicero ("Municipality") and _____ ("facility owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the project located at _____, and

Whereas, the facility owner certifies that the stormwater control measures were built in accordance with the approved project plans, and

Whereas, the Municipality and the facility owner desire that the stormwater control measures be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Municipality and the facility owner agree as follows:

1. This agreement binds the Municipality and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached to this agreement.
2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in the approved plans as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltration basins, drop inlets, pipes, culverts, soil absorption devices, retention ponds, wet ponds and green infrastructure.
3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five-year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.

5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.

6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.

7. This agreement shall be recorded in the Office of the County Clerk, County of Onondaga, together with the deed for the common property.

8. If ever the Municipality determines that the Facility Owner has failed to maintain the stormwater control measures in accordance with the approved project plans or has failed to undertake corrective action specified by the Municipality or by the inspecting Engineer, the Municipality, after sixty (60) days prior written notice to Facility Owner, is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.

9. This agreement is effective _____.

TOWN OF CICERO

FACILITY OWNER