



Return after Environmental Programs Manager
recording to: Town of Apex
 PO Box 250
 Apex, NC 27502

GRASSED SWALE OPERATION & MAINTENANCE AGREEMENT

This Operation and Maintenance Agreement (“Agreement”) is established this ____ day of _____, 20__, by _____ (“Owner”) who is the owner of certain real property located in Wake County, North Carolina more particularly described as _____ and recorded in Book ____ Page(s) _____ Wake County Registry (“Property”), for the benefit of the Owner, the Association (if applicable), all successor Owners of the Property and the Town of Apex (“Town”).

Owner represents and warrants that Owner is financially responsible for the construction, maintenance, repair and replacement of all stormwater control structures, appurtenances and vegetation, including the impoundment. Owner agrees to perform the maintenance as outlined below and as part of the regulations set forth in Section 6.1.12 of the Town of Apex Unified Development Ordinance. A Home Owners 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 of stormwater Best Management Practices (“BMP”). This 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. These deficiencies can affect the integrity of structures, safety of the public, and the pollutant removal efficiency of the BMP.

NUMBER OF GRASSED SWALES: _____

A grassed swale is a shallow open channel stabilized with grass or other herbaceous vegetation that is designed to filter pollutants. Grassed swales are often used as pretreatment devices in association with another BMP.

Inspection and maintenance procedures:

- The drainage area of the grassed swale shall be carefully managed to reduce the sediment load to the grassed swale.
- After first-time fertilization to establish the grass in the swale, fertilizer shall not be applied to the grassed swale.
- Repair erosion and regrade the swale to ensure that runoff flows evenly in a thin sheet through the swale.
- Revegetate the swale as needed to maintain dense growth.

After the grassed swale is established, 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:

Environmental Programs Manager
PO Box 250
Apex, NC 27502
(919) 249-3413

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

BMP Element	Potential Problems	Problem Remediation
The entire length of the swale	Trash/debris is present.	Remove the trash/debris.
	Areas of bare soil and/or erosive gullies have formed.	Regrade the soil if necessary to remove the gully and plant a ground cover. Water until it is established; provide lime and a one-time fertilizer application.
	Sediment covers the grass at the bottom of the swale.	Remove sediment and dispose in an area that will not impact streams or BMPs. Re-sod if necessary.
	Vegetation is too short or too long.	Maintain vegetation at a height of approximately six inches.
	Weeds are present.	Remove the weeds, preferably by hand. If pesticide is used, wipe it on the plants rather than spraying.
The outlet device	Erosion or other signs of damage have occurred in the outlet.	Contact the Town of Apex Public Works & Utilities Department at 249-3427.

The covenants agreed hereto and the conditions imposed herein shall be binding upon the Owner and its agents, personal representatives, heirs and assigns and all other successors to Owner 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 or 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