



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

WET DETENTION BASIN 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 WET DETENTION BASINS: _____

A wet detention basin is a stormwater management facility that includes a permanent pool of water for removing pollutants and additional capacity above the permanent pool for detaining stormwater runoff. The wet detention basin system is defined as the wet detention basin, outlet structure, pretreatment including forebays, grassed swales, and the vegetated

filter if one is provided.

The system (check one): does does not incorporate a vegetated filter at the outlet.

The system (check one): does does not incorporate a pretreatment other than a forebay.

Inspection and maintenance procedures:

- Immediately after the wet detention basin is established, the plants on the vegetated shelf and perimeter of the basin shall be watered twice weekly if needed, until the plants become established (commonly six weeks). The watering shall take place on designated days according to the odd/even watering schedule cited in the Town of Apex Code of Ordinances.
- No portion of the wet detention basin shall be fertilized after the first initial fertilization that is required to establish the plants on the vegetated shelf.
- Stable ground cover shall be maintained in the drainage area to reduce the sediment load to the wet detention basin.
- The flushing of the sediment through the emergency drain shall be minimized to the maximum extent practical.

After the wet detention basin is established, Owner shall inspect it once a month 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 BMP	Trash/debris is present.	Remove the trash/debris.
The perimeter of the wet detention basin	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 onetime fertilizer application.
	Vegetation is too short or too long.	Maintain vegetation at a height of approximately six inches.
The inlet device: <i>pipe or swale</i>	The pipe is clogged.	Unclog the pipe. Dispose of the sediment offsite.
	The pipe is cracked or otherwise damaged.	Replace the pipe.
	Erosion is occurring in the swale.	Regrade the swale if necessary to smooth it over and provide erosion control devices such as reinforced turf matting or riprap to avoid future problems with erosion.
The forebay	Sediment has accumulated to a depth greater than the original design depth for sediment storage.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the BMP.
	Erosion has occurred.	Provide additional erosion protection such as reinforced turf matting or riprap if needed to prevent future erosion problems.
	Weeds are present.	Remove the weeds, preferably by hand. If pesticide is used, wipe it on the plants rather than spraying.
The vegetated shelf	Best professional practices show that pruning is needed to maintain optimal plant health.	Prune according to best professional practices.
	Plants are dead, diseased, or dying.	Determine the source of the problem: soils, hydrology, disease, etc. Remedy the problem and replace plants. Provide a onetime fertilizer application to establish ground cover if a soil test indicates it is necessary.

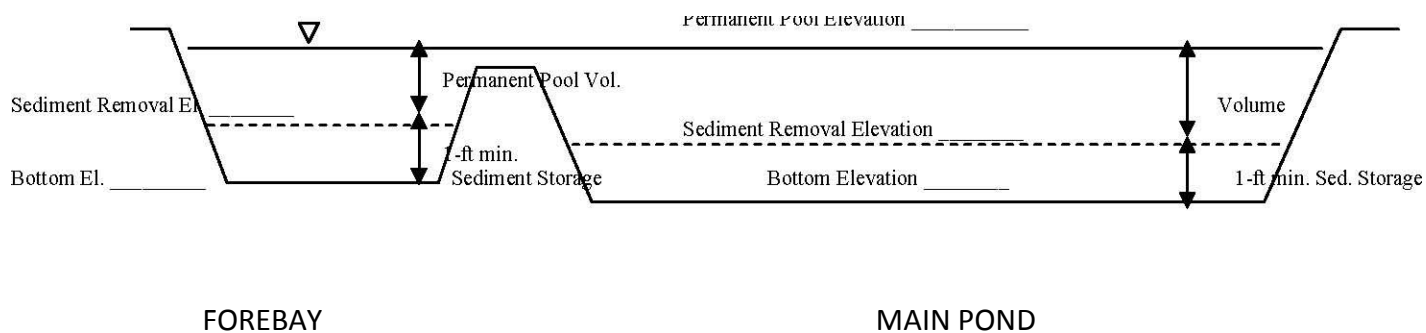
BMP Element	Potential Problems	Problem Remediation
	Weeds are present.	Remove the weeds, preferably by hand. If pesticide is used, wipe it on the plants rather than spraying.
The main treatment area	Sediment has accumulated to a depth greater than the original depth for sediment storage.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the BMP.
	Algal growth covers over 50% of the area.	Consult a professional to remove and control algal growth.
	Cattails, phragmites or other invasive plants cover 50% of the basin surface.	Remove the plants by wiping them with pesticide (do not spray).
The embankment	Shrubs have started to grow on the embankment.	Remove shrubs immediately.
	Evidence of muskrat or beaver activity is present.	Use traps to remove muskrats and consult a professional to remove beavers.
	A tree has started to grow on the embankment.	Consult a dam safety specialist to remove the tree.
	An annual inspection shows that the embankment needs repair.	Make all needed repairs. Consult a professional.
The outlet device	Clogging has occurred.	Clean out the outlet device. Dispose of the sediment offsite.
	The outlet device is damaged.	Repair or replace the outlet device.
	Erosion or other signs of damage have occurred in the outlet.	Contact the Town of Apex Public Works & Utilities Department at 2493427.

The measuring device used to determine the sediment elevation shall be such that it will give an accurate depth reading and not readily penetrate into accumulated sediments.

When the permanent pool depth reads _____feet in the main pond, the sediment shall be removed to original design specifications.

When the permanent pool depth reads _____feet in the forebay, the sediment shall be removed to original design specifications.

BASIN DIAGRAM
(fill in the blanks)



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