

**STORMWATER OPERATION AND MAINTENANCE  
AGREEMENT**

Project Name: \_\_\_\_\_

Town Project Number: \_\_\_\_\_

PIN Number: \_\_\_\_\_

Mail after recording to: Town of Mooresville  
Engineering Department  
Stormwater Program Specialist  
2523 Charlotte Highway  
Mooresville, NC 28117

NORTH CAROLINA

IREDELL COUNTY

This STORMWATER OPERATION AND MAINTENANCE AGREEMENT,

made this day \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_\_

by \_\_\_\_\_

whose principal address is \_\_\_\_\_

\_\_\_\_\_

with, to, and for the benefit of the Town of Mooresville, a municipal corporation  
of the State of North Carolina, whose address is 413 North Main Street,  
Mooresville, North Carolina 28115.

## Filter Strip, Restored Riparian Buffer and Level Spreader Operation and Maintenance Agreement

I will keep a maintenance record on this BMP. This maintenance record will be kept in a log in a known set location. Any deficient BMP elements noted in the inspection will be corrected, repaired or replaced immediately. These deficiencies can affect the integrity of structures, safety of the public, and the removal efficiency of the BMP.

Important maintenance procedures:

- Immediately after the filter strip is established, any newly planted vegetation will be watered twice weekly if needed until the plants become established (commonly six weeks).
- Stable groundcover will be maintained in the drainage area to reduce the sediment load to the Level Spreader-Filter Strip.
- Every two weeks during the growing season, the Filter Strip will be mowed. Turf grass should not be cut shorter than 4-6 inches and may be allowed to grow as tall as 12 inches depending on aesthetic requirements (NIPC, 1993).
- Once a year, the soil will be aerated if necessary and the Filter Strip will be reseeded to maintain a dense growth of vegetation.
- Once a year, soil pH will be tested and lime will be added if necessary.

For the first two years after the Level Spreader-Filter Strip is established, it will be inspected **quarterly and within 24 hours after every storm event greater than 1.0 inch**. After two years of successful performance, the Level Spreader-Filter Strip will be inspected quarterly. Records of operation and maintenance will be kept in a known set location and will be available upon request.

If the soil in the Filter Strip becomes compacted, consider coring to alleviate this condition. Use a device that removes soil cores. Coring should be accomplished when the lawn is actively growing so that it can recover from any injury. Core cool-season grasses in fall or early spring. Core warm-season grasses in late spring or early summer. Some lawn care and landscape companies offer coring service if rental equipment is not available.

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

BMP element:	Potential problem:	How I will remediate the problem:
<b>The entire level spreader -filter strip system</b>	Trash/debris is present.	Remove the trash/debris.
<b>The flow splitter device (if applicable)</b>	The flow splitter device is clogged.	Unclog the conveyance and dispose of any sediment off-site.
	The flow splitter device is damaged.	Make any necessary repairs or replace if damage is too large for repair.

<b>BMP element:</b>	<b>Potential problem:</b>	<b>How I will remediate the problem:</b>
<b>The blind swale</b>	The swale is clogged with sediment.	Remove the sediment and dispose of it off-site.
	The swale is overgrown with vegetation	Mow vegetation. Re-grade and vegetate if the swale has become silted in.
<b>The Level Spreader</b>	The level lip is cracked, settled, undercut, eroded or otherwise damaged	Repair or replace lip.
	There is erosion around the end of the level spreader that shows stormwater has bypassed it.	Regrade the soil to create a berm that is higher than the level lip, and then plant a ground cover and water until it is established. Provide lime and a one-time fertilizer application.
	Trees or shrubs have begun to grow on the swale or just downslope of the level lip.	Remove them.
<b>The bypass channel</b>	Areas of bare soil and/or erosive gullies have formed.	Regrade the soil if necessary to remove the gully, and then reestablish proper erosion control.
	Turf reinforcement is damaged or riprap is rolling downhill.	Study the site to see if a larger bypass channel is needed (enlarge if necessary). After this, reestablish the erosion control material.
<b>The Filter Strip</b>	Grass is too short or too long (if applicable).	Maintain grass at a height of approximately three to six inches.
	Areas of bare soil and/or erosive gullies have formed.	Regrade the soil if necessary to remove the gully, and then plant a ground cover and water until it is established. Provide lime and a one-time fertilizer application.
	Sediment is building up on the filter strip.	Remove the sediment and restabilize the soil with vegetation if necessary. Provide lime and a one-time fertilizer application.
	Grass is dead, diseased or dying	Determine the source of the problem: soils, hydrology, disease, etc. Remedy the problem and replace plants. Provide a one-time fertilizer application.
	Nuisance vegetation is choking out grass.	Remove vegetation by hand if possible. If pesticide is used, do not allow it to get into the receiving water.
<b>The receiving water</b>	Erosion or other signs of damage have occurred at the outlet.	Contact the NC Division of Water Resources.

**Operation and Maintenance Agreement Additional Requirements as set forth by the Town of Mooresville Phase II Post Construction and Illicit Discharge & Connection Ordinance  
Section 25-20:**

1. The owner or owners shall continuously operate and maintain the stormwater control and management facilities.

2. The Town of Mooresville is granted a right of entry to inspect, monitor, maintain, repair, and reconstruct structural BMPs.

3. The Town of Mooresville will recover from the owner or owners any and all costs the Town of Mooresville expends to maintain or repair the structural BMPs, pursuant to Article 6, Enforcement and Violations, as set forth in the Town of Mooresville Phase II Post Construction and Illicit Discharge & Connection Ordinance.

4. This Operation and Maintenance Agreement shall not obligate the Town of Mooresville to maintain or repair any structural BMPs, and the Town of Mooresville shall not be liable to any person for the condition or operation of structural BMPs.

5. This Operation and Maintenance Agreement shall not in any way diminish, limit, or restrict the right of the Town of Mooresville to enforce any of its ordinances as authorized by law.

6. The Town of Mooresville is indemnified and held harmless for any costs and injuries arising from or related to the structural BMP, unless the Town of Mooresville has agreed in writing to assume the maintenance responsibility for the BMP and has accepted dedication of any and all rights necessary to carry out that maintenance.

I acknowledge and agree by my signature below that I am responsible for the performance of the maintenance procedures listed above. I agree to notify the Town of Mooresville of any problems with the system or prior to any changes to the system or responsible party. I agree to notify the Town of Mooresville of any subsequent conveyance of the property to a new owner, and agree to provide updated contact information for any subsequent owner.

This maintenance agreement runs with the land, and is binding upon any and all subsequent owners of the hereinabove described property.

Project name: \_\_\_\_\_

BMP drainage area number: \_\_\_\_\_

Print name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

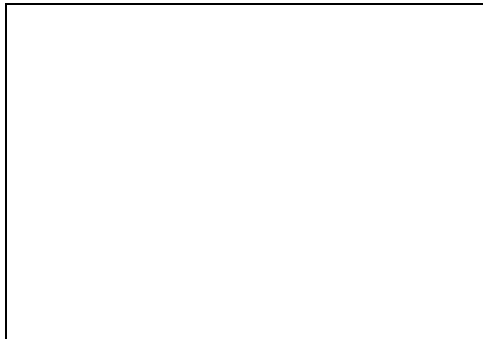
Phone: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Note: The legally responsible party should not be a homeowners association unless more than 50% of the lots have been sold and a resident of the subdivision has been named the president.

I, \_\_\_\_\_, a Notary Public for the State of \_\_\_\_\_, County of \_\_\_\_\_, do hereby certify that \_\_\_\_\_ personally appeared before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and acknowledge the due execution of the forgoing filter strip, riparian buffer, and/or level spreader maintenance requirements. Witness my hand and official seal,



SEAL

My commission expires \_\_\_\_\_ Notary Signature \_\_\_\_\_