



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

SAND FILTER 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 SAND FILTERS: _____

A sand filter is a device that allows stormwater to percolate down through a sand media where pollutants are filtered out. The sand filter system is defined as the filter bed, outlet structure, pretreatment including forebays, grassed swales, and the vegetated filter if one is provided.

Inspection and maintenance procedures:

- The drainage area shall be carefully managed to reduce the sediment load to the sand filter.
- Once a year, sand media shall be skimmed.
- The sand filter media shall be replaced whenever it fails to function properly after vacuuming.

After the sand filter is installed, 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 BMP	Trash/debris is present.	Remove the trash/debris.
The adjacent pavement (if applicable)	Sediment is present on the pavement surface.	Sweep or vacuum the sediment as soon as possible.
The perimeter of the sand filter	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.
	Vegetation is too short or too long.	Maintain vegetation at a height of approximately six inches.
The flow diversion structure	The structure is clogged.	Unclog the conveyance and dispose of any sediment off-site.
	The structure is damaged.	Make any necessary repairs or replace if damage is too large for repair.
The pretreatment area	Sediment has accumulated to a depth greater than six inches.	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.

BMP Element	Potential Problems	Problem Remediation
The filter bed and underdrain collection system	Water is ponding on the surface for more than 24 hours after a storm.	Check to see if the collector system is clogged and flush if necessary. If water still ponds, remove the top few inches of filter bed media and replace. If water still ponds, then consult an expert.
The outflow spillway and pipe	Clogging has occurred.	Clean out the outlet device. Dispose of the sediment off-site.
	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 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