

City of Kannapolis
Stormwater Operations & Maintenance Agreement Required Information

1. Owner Information

- a. Owner: Include all of the names that will appear on the legal document. If a corporation or partnership owns the property, provide the names of the officer or managing partner that will be signing the document.
- b. Property Identification: Provide a legal description of property that the stormwater SCMs and easements will be located on. If multiple tracts are used, provide a description for each tract.
- c. Deed Book and Page Number: Provide the deed information describing the transfer of the property into the landowner's name or the document that provides the right of usage of for property owned by others.
- d. Property Association Declarations: If multiple property owners are to use the stormwater SCMs, provide a copy of proposed Property Association Declarations.

2. Exhibit A - SCM Easement Plat (to be filed with the Register of Deeds)

- a. The name and location of each SCM.
- b. The location of the access and maintenance easements. The minimum width for an access easement is 20'.
- c. A statement of the total maximum allowable impervious area to each SCM.
- d. A statement that within permanently protected undisturbed open space areas, no land-disturbing activity, placement of impervious surface, removal of vegetation, encroachment, construction or erection of any structure shall occur, except in accordance with a revised stormwater permit first being issued by the City of Kannapolis.
- e. If multiple lots are being served by the SCM, identify the lots that are using the stormwater SCM for treatment of runoff. The following statement: "Each Lot or Tract served by the Stormwater SCM is jointly or severally responsible for repairs and maintenance of the Stormwater SCM and any unpaid ad valorem taxes, public assessments for improvements and unsafe building and public nuisance abatement liens charged against the facility, including all interest charges together with attorney's fees, cost and expenses of collection. The failure to maintain Stormwater SCM is a violation of the UDO subjecting each lot owner subject to significant daily civil penalties and other enforcement actions as more specifically set forth in the Kannapolis Code of Ordinances."

3. Exhibit B - SCM Specific Maintenance Plan

- a. SCM specific maintenance plan indicating what actions are needed, and what specific quantitative criteria will be used to determine when those actions are to be undertaken. The plan must indicate the steps that will be taken to restore a stormwater system to design specifications if a failure occurs.

4. Exhibit C – Sinking Fund Escrow Budget (single family residential developments only)

- a. A sinking fund escrow budget for repair/replacement of the SCM based on the original estimated construction cost and assuming 2% inflation and a 25-year life span. The developer is responsible for 15% of this cost at the time the SCM is made “active”. The City will provide a spreadsheet template to generate the budget.
- b. A performance surety in the amount of 125%.
- c. An estimated budget for annual maintenance costs including routine maintenance, periodic sediment removal/replenishment of rip-rap, mowing and reseeding, required annual inspection.
- d. If the stormwater agreement includes a stormwater SCM structure to be maintained by a Homeowners Association, Exhibit A and Exhibit B shall be also be attached to the Property Association Declaration as an exhibit.