



Engineering Division

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INSTRUCTIONS FOR COMPLETING STORMWATER TREATMENT CONSTRUCTION, OPERATIONS AND MAINTENANCE AGREEMENT

The City requires developers or owners to prepare a stormwater treatment construction, operation and maintenance agreement. The agreement must be executed and recorded before the building permit can be issued. The agreement will be recorded and run in perpetuity with the property.

This agreement is required by the California State Water Board as part of its Municipal Regional Permit (C.3.h.). It is required for all projects that remove or replace 10,000 square feet or more of impervious area and for some projects that remove or replace 5,000 square feet or more of impervious surface area (e.g., automobile service facilities, gas stations, restaurants and parking lots).

Preparing the Agreement and Exhibits

Please read the instructions below, edit the agreement and develop the exhibits listed. Then submit the agreement and exhibits to the Engineering Division for review and approval. If you have any questions, please contact Virginia Parks at 650-330-6752.

Here are the seven items that will be attached to the agreement. Items “to be provided by Owner”, shall be submitted to the Engineering Division for review and approval.

1. Notary Acknowledgements: (to be provided by the Notary at the time the Agreement is signed)
2. Signature Authority for Property Owner: (to be provided by owner, if owner is not an individual)
3. Exhibit A: Legal Description of Parcel (to be provided by owner, surveyor or civil engineer)
4. Exhibit B: Site Plan showing Treatment Measure(s) Location(s), dimensions and distances to buildings or fences. (to be provided by owner, civil engineer or your architect)
5. Exhibit C: Maintenance Plan (to be provided by Owner – City has examples.)
6. Exhibit D: Treatment Measure Checklist (to be provided by Owner – City has examples.)
7. Exhibit E: Treatment Measure Operation and Maintenance Inspection Report (annual report, to be provided by City)

Here are more specific instructions about each item.

Agreement:

The property owner shall complete the following within the template agreement:

1. Fill in property owner’s name within first paragraph of “Recitals” and within 5th paragraph of “Whereas
2. Fill in property address within 5th paragraph of “Whereas”
3. Fill in property APN(s) below City signature block

4. Sign in front of a Notary.
5. Attach notary acknowledgement for owner's signature.
6. Attach signature authority if property owner is not an individual (e.g., a corporation, LLC, trust, etc.)

Signature Authority

This is only required when the property owner is a business entity, e.g., partnership, corporation or trust. (It is not required if the owner is an individual.) Provide one copy of the document that was filed with the state listing the officers who have the authority to sign on behalf of the business entity. The Agreement cannot be signed by a management company on behalf of the owner unless the City can review and verify that the agreement between them specifically allows the company to sign documents that run in perpetuity with the property. If the owner is a trust, provide one copy of the portion of the trust listing the trustee who has authority to sign on behalf of the trust.

Exhibit A: Legal Description

The legal description can usually be found on the purchase documents. A surveyor, architect, real estate agent or engineer may be able to help locate the description and prepare this document. It should be labeled, "Exhibit A – Legal Description."

Exhibit B: Site Plan

Keep in mind this site plan will be used in the distant future by maintenance persons. The Site Plan is usually the most difficult item to create. The Engineer may return it with comments several times before it is approved. The Site Plan shall be prepared by the architect or civil engineer. It shall be a *simplified* version of the approved grading and drainage plan. The site plan shall include the following features:

1. Easily legible
2. On 8.5" x 11" page size
3. North arrow
4. Exhibit labeled as "Exhibit B: Site plan for _____" (insert property address or subdivision name and lot number)
5. Adjacent streets and the address (or subdivision name and lot number if no address has been assigned)
6. Project/site boundary delineated with a heavy border around property line
7. Show basic outlines of building, curbs and significant surface features. Don't show hatching. Don't show storm drain pipes. Just show the treatment measures.
8. Clearly show all stormwater treatment measures: retention, detention, planters, swale and landscaped facilities to be maintained.
9. Label each facility clearly (such as "Vegetated Swale #1", "Gravel Basin at southerly property line", etc.)
10. Include dimensions of each treatment measure, including depth and diameter if applicable. If dimensions are not practicable, show areas in square feet.
11. Show distances to the treatment measures from other features such as building corners or curbs
12. Any information that is extraneous and clutters the plan should be deleted, such as:
 - Topography contour lines
 - Spot elevations

- Construction and/or grading notes
- Area drains, catch basins and storm drain lines that do not act as treatment measures
- Items that are not directly related to the stormwater treatment measures

Exhibit C: Maintenance Plan

This document should be written so that it can be used by the person who will actually maintain the landscaping and treatment measures. The City has examples if needed.

Exhibit D: Annual Inspection Report

The City will provide this exhibit. The property owner, manager, homeowner's association or landscaper will conduct the inspection of the stormwater treatment measure(s) at least once per year. The reporting period is the calendar year, and the report form shall be mailed to the Stormwater Coordinator by January 10th of the following calendar year. Failure to turn in the annual report may result in a City inspection and maintenance which the property owner will be required to pay.

Exhibit E: Inspection and Maintenance Checklist

This document is a checklist based on the Maintenance Plan described above. The City has examples if needed.

Signing the Agreement

Once approved, two originals of the agreement should be signed by the owner in front of a notary public. If the property is owned by a business or trust, it should be signed by the authorized representative listed on the signature authority document.

Deliver the two signed original agreements to the Engineering Division to be signed by the City's Public Works Director.

Recording the Agreement

After the City signs, the owner or develop may pick up the document and record it at the San Mateo County Recorder's Office.

The developer/owner shall return a conformed electronic copy to the Engineering Division. The Recorder should return a conformed paper copy to the City Clerk.