

MAINTENANCE AND REPAIR AGREEMENT

This Agreement is made and entered into by and between _____ (hereinafter "Owner") and the City of Davenport, Iowa (hereinafter "City"):

WHEREAS, Owner desires to construct a storm water management facility on a portion of Lots ____ in _____ Addition in the City of Davenport, Scott County, Iowa, except highway right-of-way, which will require approval of the City, and

WHEREAS, a maintenance and Repair Agreement is required pursuant to Section 6.3 of the City of Davenport Stormwater Manual.

NOW, THEREFORE, IT IS AGREED by and between the parties as follows:

1. Owner will construct a storm water management facility on its property, which facility is legally described as follows:

Sec:07 Twp:78 Rng:04PT SE NE SEC 7 TRACT C PER SURVEY 2016-36749

all in the City of Davenport, Scott County, Iowa, except highway right-of-way.

2. Attached hereto as **Exhibit A** is the BMP Establishment and Maintenance Plan for this project.
3. Attached hereto as **Exhibit B** is the BMP Maintenance Requirements for the facility.
4. The land which is benefited by this agreement is entirely titled in Owner. This is a permanent agreement and a covenant running with the land and shall be binding upon the Owner, its grantees, transferees, successors and assigns.
5. The City shall have a permanent access easement for purposes of inspection of the facility as designated in the legal description set forth above.
6. The Owner shall be responsible for the operation and maintenance of the facility, and shall maintain records of the installation, maintenance and repairs, and shall retain said

records for at least twenty-five years or until the facility has been reconstructed. These records shall be made available to the City during any City inspections, and shall be submitted to the City at other reasonable times upon request.

7. If the Owner or any other responsible party fails or refuses to meet maintenance or repair requirements, and if the facility is not a danger to public safety or public health, the city shall provide the Owner or responsible party with reasonable notice to correct the violation in a timely manner. In the event that the facility becomes a danger to public safety or public health, the city shall notify the owner or responsible party in writing that upon receipt of the notice, the responsible party shall have two days or such additional time as circumstances may require to maintain and/or repair the facility. If the violations or non-compliance have not been corrected by the Owner or responsible party in a timely manner, the city may assess, jointly and severally, the cost of the work shall be a lien on the facility, or shall be assessed to the benefited property as a lien to be collected in the same manner as property taxes.
8. Owner contact information is as follows:

9. Attached hereto as **Exhibit C** are forms to be utilized with regard to inspection/maintenance of the facility.
10. Attached hereto as **Exhibit D** is a map indicating the locations of detention or quality facilities for this project along with easement locations.
11. In consideration of approval by the city of the foregoing agreement and attached Exhibits, Owner accepts the responsibilities set forth herein and agrees that the same shall be binding upon its grantees, transferees, successors and assigns.

IN WITNESS WHEREOF, the parties have hereinto subscribed their names to this agreement.

By _____

By _____

STATE OF IOWA
COUNTY OF SCOTT

This instrument was acknowledged before me on the _____ day of _____, 2017

Notary Public in and for the State of Iowa

Davenport, Iowa

By _____
Brian Schadt, PE
City Engineer

STATE OF IOWA
COUNTY OF SCOTT

This instruction was acknowledged before me on the _____ day of _____, 2017

By _____
Notary Public in and for the State of Iowa

**Wetland Detention Basin
BMP Establishment and Maintenance Plan
Exhibit A**

Short Term: Year 1

1. The Native Seed Mix areas shall be mown each time the plant material (annual and perennial weeds) has reached a height of 12 – 16 inches tall.
2. Mow to a height of 4 – 6 inches.
3. A flail-type mower that will finely shred mowed clippings must be used. Alternatively, a string trimmer may be utilized but all clippings and seed heads must be removed from the site following cutting.
4. Do not allow weeds to go to seed.
5. Avoid hand-pulling weeds the first year following seeding because such action could disrupt small native seedlings.
6. Spot treatment of invasive species with an appropriate herbicide must be executed using the soaked glove or wick methods only – spraying is not allowed at any time in the native seeded area.
7. The native wetland plug area should be scouted for weeds (non-native invasive species) during each maintenance site visit and weeds removed via hand-pulling but only if the entire plant, root and all, can be removed. Otherwise, apply an appropriate herbicide at the proper time, single-stream nozzle, on weeds following all manufacturer's labels.
8. Assure the detention basin detains runoff and releases it over a 24-hour period, or per design specifications. IF the basin does not detain as designed, identify why planned detention is not occurring. Correct the identified problems so that the basin will detain and release over the course of 24 hours or per design specifications.
9. Inspect and maintain inlet and outlet structures to assure function. Remove any obstructions.
10. Complete the first annual inspection of the detention areas condition during the fall to assess vegetation establishment. Replace dead plants if necessary.
11. Re-distribute mulch if it becomes misplaced from floating or storm water inflow, remove trash, and inspect for vegetation that may be stressed from extended ponding of water.

Mid- and Long-Term: Year 2

1. Mow the Detention Basin Seed area in early June to a height of 12" and every time thereafter when plants reach a height of 24" tall.
2. Do not let any annual or biennial weeds go to seed.
3. Remove all cut plant material.
4. Provide spot herbicide application for weed control as outlined in Year 1.
5. Inspect and maintain inlet and outlet structures to assure function. Remove any obstructions.
6. Re-distribute mulch if it becomes misplaced from floating or storm water inflow, remove trash.

Long-Term: Year 3 and beyond

1. Mow Detention Basin Seed area early April to early May (generally when sugar maples are opening buds).
2. Mow to a height of 2" and rake off cut material to expose the soil.
3. Do not mow again during the growing season.
4. Provide spot herbicide application for weed control as outlined in Year 1.
5. Inspect and maintain inlet and outlet structures to assure function. Remove any obstructions.
6. Re-distribute mulch if it becomes misplaced from floating or storm water inflow, remove trash.

Exhibit "B"

BMP Maintenance Requirements

Name & Location

Project Name: Costco Davenport

Address: TBD, Davenport, IA

Site Data

Total Site Area: 17.66 Acres

Total Disturbed Area: 19.80 Acres

Total Undisturbed Area: 0 Acres

Impervious Area Before Construction: 0%

Impervious Area After Construction: 69.1%

BMP Information

BMP ID	Type of BMP	Northing/Easting
BMP 1	Forebay	N: 2451516.3338 E: 588015.6420
BMP 2	Forebay	N: 2451555.6510 E: 587883.6500
BMP 3	Low-Flow Channel	N: 2451520.5728 E: 587889.4480
BMP 4	Micropool	N: 2451538.7726 E: 587745.7227
BMP 5	Outlet Structure	N: 2451539.2181 E: 587694.9299

Wetland Vegetation Maintenance Tasks and Schedule	
Task	Schedule
Replace wetland vegetation to maintain at least 50% surface area coverage in wetland plants after the second growing season.	One-time activity
Clean and remove debris from inlet and outlet structure. Mow side slopes.	Frequently (3-4 times/year)
Examine stability of the original depth zones and micro-topographical features. Inspect for invasive vegetation and remove where possible. Inspect for damage to the embankment and inlet/outlet structures; repair as necessary. Note any signs of hydrocarbon build-up and remove accordingly. Monitor for sediment accumulation in the facility and forebay. Examine to ensure that inlet and outlet devices are free of debris and operational.	Annual Inspection
Repair undercut or eroded areas.	As needed
Harvest wetland plants that have been "choked out" by sediment accumulation.	Annually
Removal of sediment from the forebay.	5-7 years or after 50% of the total forebay capacity has been lost
Monitor sediment accumulations and remove sediment when pool volume has become reduced significantly (~25%), plants are "choked" with sediment, or the wetland becomes eutrophic.	10-20 years or after 25% of the wetland volume has been lost

Maintenance Inspection Reports

Annual maintenance inspection reports must be commissioned by the property owner and provided to the City upon request. The first report shall be conducted one year following the final acceptance date of the Post Construction Stormwater Management Plan and each year thereafter on or before the acceptance anniversary date. All maintenance activities and inspection reports must be kept on file with the property owner for a minimum of five years. Annual maintenance inspection reports shall be performed by a registered Iowa professional engineer, architect, or qualified professional.

**Wetland Detention Basin
Annual Inspection Form
Exhibit C**

BMP Identification: _____ Inspection Date: _____

Every response that is a 'yes' requires a corrective action, to whom the action is assigned, and the expected completion date of the assignment.

Condition:	<input type="checkbox"/> Outstanding (No Maintenance Needed)
	<input type="checkbox"/> Satisfactory (Minor Maintenance Needed)
	<input type="checkbox"/> Needs Improvement (Maintenance Needed)
	<input type="checkbox"/> Not Applicable

Entire Length of Swale

Assessment	Yes/No	Corrective Actions	Assigned To	Expected Completion
Trash/Debris present				
Erosion (side slope/channel)				
Sediment accumulation				
Vegetation sparse/unhealthy				
Unwanted vegetation				
Comments				

Condition:	<input type="checkbox"/> Outstanding (No Maintenance Needed)
	<input type="checkbox"/> Satisfactory (Minor Maintenance Needed)
	<input type="checkbox"/> Needs Improvement (Maintenance Needed)
	<input type="checkbox"/> Not Applicable

Forebay

Assessment	Yes/No	Corrective Actions	Assigned To	Expected Completion
Trash/Debris present				
Erosion (side slope/channel)				
Sediment accumulation				
Vegetation sparse/unhealthy				
Unwanted vegetation				
Comments				

Condition:	<input type="checkbox"/> Outstanding (No Maintenance Needed)
	<input type="checkbox"/> Satisfactory (Minor Maintenance Needed)
	<input type="checkbox"/> Needs Improvement (Maintenance Needed)
	<input type="checkbox"/> Not Applicable

Micropool

Assessment	Yes/No	Corrective Actions	Assigned To	Expected Completion
Obstruction (vegetation/debris/sediment)				
Erosion/Undercutting				
Displacement/sedimentation of fabric/ rip-rap/ proprietary matting				
Comments				

**Wetland Detention Basin
Annual Inspection Form
Exhibit C**

Condition:	<input type="checkbox"/> Outstanding (No Maintenance Needed)
	<input type="checkbox"/> Satisfactory (Minor Maintenance Needed)
	<input type="checkbox"/> Needs Improvement (Maintenance Needed)
	<input type="checkbox"/> Not Applicable

Outlet Structure

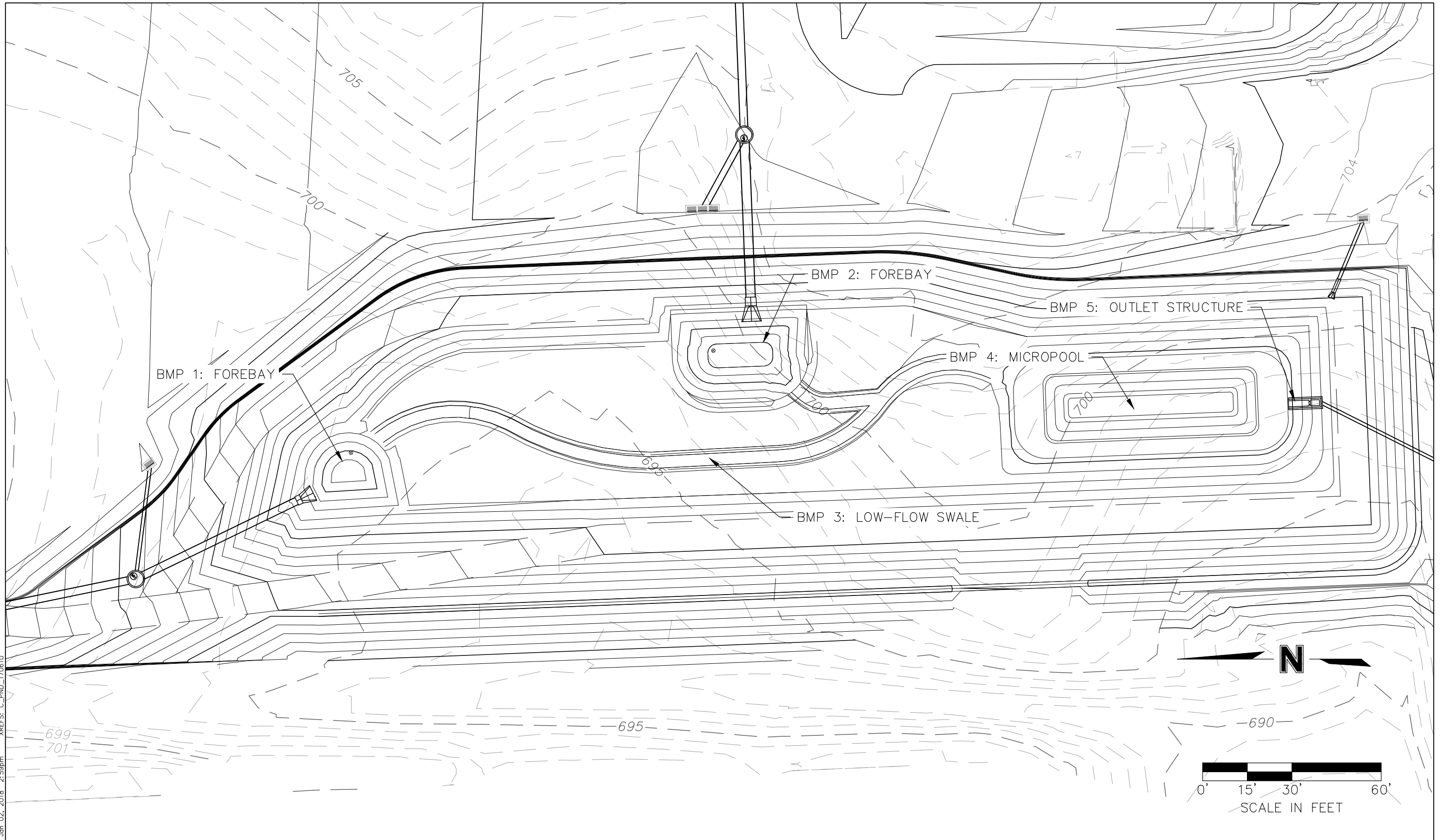
Assessment	Yes/No	Corrective Actions	Assigned To	Expected Completion
Obstruction (vegetation/debris/sediment)				
Restrictor plate missing				
Comments				

Photographs:

Attach photographs of the site and BMP features using the photo log template attached. Include captions describing each photograph.

Additional Comments:

F:\2017\0501-1000\017-0610-Design\Reports\GNCV\Wetland Maintenance and Repair\Map Exhibit.dwg
DATE: Jan 02, 2018 2:58pm
USER: jjolsson
XREFS: C:\PND_170610



PROJECT NO:	017-0610
DRAWN BY:	JJO
DATE:	1/03/18

DETENTION MAINTENANCE EXHIBIT

MOLSSON
ASSOCIATES
7157 Vista Drive
West Des Moines, IA 50266
TEL 515.331.6517
FAX 515.331.6518

EXHIBIT
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