

STORMWATER MAINTENANCE AGREEMENT

WHEREAS, _____ a New Jersey
(Project Name)
with offices at _____
(Corporation/Partnership/Individual) (Address)
_____ is the owner of the premises designated as
(Address)
Lot(s): _____ in Block(s): _____ as shown on the Tax Map of
the Township of _____, County of Middlesex, State of New Jersey, and;

WHEREAS, as a condition of the approval of the site plan and/or subdivision granted by the Land Development Review Committee of the Middlesex County Planning Board, said approval dated _____, 20 __, and said approval requires the filing of a Restrictive Covenant in a form of the Stormwater Maintenance Agreement which requires the lot owners and/or leased occupants to maintain any detention facilities on the Premises; and;

NOW, THEREFORE, in consideration of the promises, covenants, conditions and other good valuable considerations; of the site plan and/or subdivision application entitled, " _____
(The Complete Title Block of the Approved Plans)
" and dated _____ and revised through _____;
hereby declares that said, Lot(s): _____ in Block(s): _____
herein the above description, shall be held, sold and conveyed subject to the following restrictions, covenants, conditions and easements which shall run with the land and be binding upon all parties who have any right, title or interest in the land, or any part thereof, their heirs, executors, administrators, successors and assigns and shall insure to their benefit; and the benefit of the Middlesex County Planning Board;

1. After the completion of the stormwater drainage system and any and all drainage swales/ detention/ retention/ drywells/recharge facilities by the owner; the owner of the premises as they may from time to time be, shall be responsible for the continuing and perpetual maintenance of the stormwater detention basin and related facilities and piping located on its premises in accordance

with the site plan and/or subdivision plans for the proposed building, of said, Lot(s): _____ in Block(s): _____, as shown on the Tax Map of the Township of _____, Middlesex County, New Jersey, prepared by _____, P.E. and L.S. entitled, " _____ (The Complete Title Block of the Approved Plans) " and dated _____ and revised through _____; which which was approved by the Middlesex County Planning Board.

2. In the event that the owner shall fail to maintain stormwater drainage system and any and all drainage swales/detention/retention/drywells/recharge facilities in reasonable order and condition, as may be determined periodically by a designee of the County of Middlesex and/or the Middlesex County Planning Board The designee of the County of Middlesex and /or the Middlesex County Planning Board may serve a written notice to the owner setting forth the manner in which the owner has failed to maintain the stormwater drainage system and any and all drainage swales/detention/retention/drywells/recharge facilities in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty-five (35) days thereof. If the deficiencies set forth in the original notice or in the modification thereof shall not be corrected within said thirty-five (35) days or any permitted extension thereof, the County of Middlesex, in order to preserve the stormwater drainage system and any and all drainage swales/detention/retention/drywells/recharge facilities and maintain the same, may enter upon and maintain same for such period of time as the County may determine in its sole judgment.

IF, the County enters upon or maintains the stormwater drainage facilities at its discretion, then any cost and expenses including fees from Counsel in the above noted

process shall be at the sole cost and expense of the owner. The County and/or its agents and/or its designees shall be held harmless and free of any liability of any kind whatsoever by the owner from any and all acts taken under the authority of the Restrictive Covenant in the form of a Stormwater Maintenance Agreement if such actions are taken in good faith.

IN WITNESS WHEREOF, _____ has signed, sealed and delivered the Restrictive Covenant in the form of a Stormwater Maintenance Agreement on _____, day of _____, 20__.

ATTEST:

APPLICANT:

(Type Name of Person Attesting Witness and Title)
Date: _____

(Type Name of Person, Corporation and Title)
Date: _____

Signed and sworn to before me on
_____ 20__.

Notary Public

**CORPORATE
ACKNOWLEDGMENT**

STATE OF NEW JERSEY:

SS:

COUNTY OF MIDDLESEX:

I certify that on this day _____ of _____, 20__ personally came before me and this person acknowledged, under oath, to my satisfaction, that:

- A) This person is _____ the **Secretary of**
_____, the **Corporation**
described in the foregoing documents;
- B) This person is the attesting witness to the signing of the said documents by the proper Corporate Officer who is _____, the
_____, **President of the Corporation;**
- C) The documents were signed and delivered by the corporation as its voluntary act duly authorized by a proper corporate resolution;
- D) This person knows the proper seal of the Corporation, which was affixed to said documents; and
- E) This person signed this proof to attest to the truth of these facts.

Print Name of Attesting Witness and Title

Signed and sworn to before me on
_____ 20 ____.

Notary Public

**PARTNERSHIP
ACKNOWLEDGMENT**

STATE OF NEW JERSEY:

SS:

COUNTY OF MIDDLESEX:

I certify that on this day _____ of _____, 20__ personally came before me and appeared _____, and known to me to be one of the members of the firm of _____, described herein and who executed the foregoing instruments, and acknowledged to me that they executed the same as the act and deed of said firm.

Print Name of Attesting Witness and Title

Signed and sworn to before me on
_____ 20 ____.

Notary Public

**INDIVIDUAL
ACKNOWLEDGMENT**

STATE OF NEW JERSEY:

SS:

COUNTY OF MIDDLESEX:

I certify that on this day _____ of _____, 20__ personally came before me and appeared _____, and known to me to be one the person described herein and who executed the foregoing instruments, and acknowledged to me that he/she executed the same as.

Print Name of Attesting Witness and Title

Signed and sworn to before me on
_____ 20 ____.

Notary Public

Revised 9/25/03