

Instructions for Completing and Recording the Stormwater Treatment Measures Maintenance Agreement with the City of Alameda

Overview: *A project proponent shall execute a Stormwater Treatment Measures Maintenance Agreement (Agreement) with the City of Alameda (City) whenever a development/redevelopment project is required to install one or more hydraulically-sized stormwater treatment measures. The Public Works Department's approval will be contingent upon completion of the items described below:*

- 1) *Preparation and approval of exhibits for inclusion in the Agreement:* *The project proponent must prepare and receive approval-of-completion from the City's Public Works Department for (a) Site Plan; (b) stormwater treatment measure(s) operation and maintenance plan (OMP); and (c) annual maintenance report template. These documents will be included in the Agreement as Exhibits A, B, and C respectively.*
- 2) *Preparation of Agreement and Performance Financial Assurance:* *The project proponent shall provide City staff with the necessary information to prepare and format the Agreement for signature. Additionally, the project proponent must submit an estimate of annual operations and maintenance costs. This estimate will be used to calculate the amount of the performance financial assurance instrument. The performance financial assurance instrument shall exist for the life of the treatment measure(s) and must be submitted with the Agreement.*
- 3) *Execution of the Agreement and Recordation:* *City staff will send the Agreement to the project proponent to facilitate **signature, with notarization, by property owner(s)**. After the Agreement has been executed, the project proponent shall record the Agreement among the deed records of the County Recorder's Office of the County of Alameda, at project proponent's expense, and submit to the City substantiation that the Agreement has been recorded in association with the title to the land.*

All submittals should be sent to:

City of Alameda Public Works Department
Attn: Clean Water Program staff
950 West Mall Square, Room 110
Alameda, CA 94501

The following section provides a more detailed description of the Agreement implementation procedures described above. If you need further information or assistance, please contact the Public Works Department Clean Water Program staff at (510) 747-7950.

- 1) Preparation and Approval of Exhibits for Inclusion in the Agreement
 - ❑ Submit a project Site Plan (Site Plan) for approval by City Public Works Department staff. The Site Plan must be on 8 ½" by 11" paper with 1/8" minimum lettering identifying the address, street location and layout of the project property. The approved Site Plan will be included as Exhibit A in the Agreement.
 - ❑ Submit an OMP for approval by City Public Works Department staff. The OMP must provide all relevant information requested in the "Checklist for Preparing a Stormwater Treatment Measures Operations and Maintenance Plan (OMP)". The Alameda Countywide Clean Water Program has produced helpful OMP template forms; these are available for download at <http://www.cleanwaterprogram.org> . From this homepage, click on the link for the "C3 Technical Guidance Manual" and reference Appendix H. The approved OMP will be included as Exhibit B in the Agreement.
 - ❑ Submit a template "Inspections, Operations and Maintenance annual reporting form" for the project site for approval by City Public Works Department staff. A template report form obtained by City Public Works Department staff can be adapted by modifying document

Instructions for Completing and Recording the Stormwater Treatment Measures Maintenance Agreement with the City of Alameda

headers, footers, and sections 1-4 detailing the subject property. The approved annual report form template will be included as Exhibit C in the Agreement.

2) Preparation of Agreement and Performance Financial Assurance Instrument

- ❑ Once the OMP has been approved, submit an estimate of total annual operations and maintenance (O&M) costs for approval by City Public Works Department staff. This should be in the form of a line-item maintenance budget. The approved totals figure will be used to calculate the amount of the performance financial assurance instrument that will provide for the maintenance of the stormwater treatment measure(s). The annual cost estimate shall include, but is not limited to:
 - O&M landscaping costs (as applicable)
 - O&M servicing costs (as applicable)
 - Annual share of long-term maintenance and capital replacement costs
- ❑ Review the Agreement example template and discuss terms with City Public Works Department staff for final draft preparation. Please note that City Public Works Department staff will prepare the final version of the Agreement and send it to the project proponent for final review and signature.
- ❑ Provide City Public Works Department staff with the following information for inclusion in the Agreement:
 - Project property address(es)
 - Formal name and address of company owning the subject property
 - Phone and fax numbers of company
 - Tax ID# of company
 - Type of company (corporation, LLC, etc...)
 - Name of person(s) signing Agreement
 - Title of person(s) signing the Agreement
 - Phone number and mailing address of person(s) signing the Agreement.
- ❑ Make arrangements for the performance financial assurance instrument described in Section 12 of the Agreement. Consult with City Public Works Department staff for specific requirements.

3) Execution of the Agreement and Recordation:

- ❑ Project proponent will receive two original counterpart Agreements and incorporate the City-approved Exhibits A, B, and C prior to the signing of the Agreements by property owner(s).
- ❑ Project proponent will arrange for the signing of the two Agreements by the property owner(s) and the notarizing of the signature(s).
- ❑ Project proponent will **include the performance financial assurance instrument** when returning the two signed Agreements (containing Exhibits A, B, and C) for City counter signatures.
- ❑ After the Agreement is signed by the City Manager, the City will return one original, fully executed Agreement to the Property Owner.
- ❑ Property Owner(s) will have the Agreement recorded at the Recorder's Office of the County of Alameda.
- ❑ Property Owner(s) will obtain a conformed copy of the recorded Agreement stamped by the County Recorder's Office.
- ❑ Property Owner(s) will provide a copy of the conformed Agreement to the Public Works Department.
- ❑ After receipt of this conformed copy, the Public Works Department will withdraw the relevant hold to issue a certificate of occupancy for the project.