

RECORDING REQUESTED BY:
City of Arroyo Grande
Community Development Department

AND WHEN RECORDED MAIL TO:

GENERAL NOTICE

For Private Stormwater Management System Operations and Maintenance

Property Address (*Street No. & Street Name, City, State, Zip*)

Property APN #

Construction Permit #

Property Legal Description: Refer to Exhibit A, attached hereto

System Description: Refer to Exhibit B, attached hereto

RECITALS:

_____ [*Owner's name*], hereinafter referred to as “**OWNER**” of the real property referenced above, is required by existing City codes and regulations to utilize “on-site stormwater management systems” (i.e. structural and/or non-structural) to minimize runoff and pollutants in runoff and to provide permanent storm drainage to control, manage, retain, treat, infiltrate and dispose of: (1) “on-site storm drainage for the Project” and (2) “ancillary street and site drainage from the adjoining street and sites” as stipulated in the approved project.

The Owner is solely responsible for the **Private Stormwater Management System**, hereinafter referred to as “**the SYSTEM**,” as described in Exhibit “B,” attached hereto. The Owner agrees to the following conditions in compliance with all local, state, federal laws and regulations:

- 1. OPERATIONS AND MAINTENANCE:** OWNER shall maintain, monitor, clean and repair the SYSTEM in the state of operation as it was originally constructed. The OWNER agrees that the SYSTEM shall not be removed from the Property unless and until the SYSTEM has been replaced with other stormwater system features in accordance with Arroyo Grande Municipal Code Title 13.24.100.A.10.
- 2. CITY RIGHTS & AUTHORITY: Pursuant to Arroyo Grande Municipal Code Title 16.08.100,** the City has the right and authority to inspect the SYSTEM to determine compliance with this Notice (i.e. maintenance, monitoring, repairs) and Arroyo Grande Municipal Code.
- 3. FAILURE TO MAINTAIN, MONITOR, CLEAN or REPAIR SYSTEM:** Failure to maintain, monitor, clean or repair the SYSTEM as required herein shall constitute a public nuisance. The City may remedy such public nuisance through any of the applicable procedures set forth in the Arroyo Grande Municipal Code, including nuisance abatement proceedings, and may pursue any other available legal or equitable remedies to abate such public nuisance.

4. **INDEMNIFICATION:** OWNER further agrees to defend, indemnify, protect and hold the City and its agents, officers and employees harmless from and against any and all claims asserted or liability established for damages or injuries to any person or property, including to OWNER's tenants, guests, invitees, agents or employees, which arise from or are connected with or caused or claimed by the acts or omissions of OWNER, and its agents, employees or contractors, in performing the obligations specified herein, and all expenses of investigating and defending against same; provided, however, that OWNER's duty to indemnify and hold harmless shall not include any claims or liability arising from the established sole negligence or willful misconduct of the City, its agents, officers or employees.
5. **BINDING ON FUTURE OWNERS:** This Notice shall run with the property and shall bind the undersigned OWNERS, their heirs, executors, administrators, assigns and successors in interest. The OWNER agrees that if OWNER hereafter sells the real property referenced in Exhibit A, the OWNER shall provide printed educational materials (the Plans and Manuals) to the buyer regarding the SYSTEM(s) that are located on the property including the type(s) and location(s) of all such features, and instructions for properly maintaining all such features.
6. **RECORDING OF NOTICE:** This Notice shall be recorded in the office of the San Luis Obispo County Clerk Recorder, and such recordation shall serve as notice of the restrictions and obligations contained herein to be performed and observed by OWNER and the successors in interest to all or any portion of Owner's Property.

OWNER(S) OF RECORD:

Owner (<i>Printed Name</i>)	Owner's Street Address
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Business Affiliation and Title (<i>if applicable</i>)	Owner's City/State, Zip Code
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Owner's Signature* <i>*(Owner's signature must be notarized)</i>	Date
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CITY APPROVAL:

The SYSTEM design and the content of this General Notice has been reviewed and approved by a representative from the City of Arroyo Grande:

City Representative (<i>Printed Name</i>)	Title
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City Representative (<i>Signature</i>)	Date:
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ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN LUIS OBISPO)

On _____, 20____, before me, _____, a Notary Public, in
and for the State of California, personally appeared _____
_____, who proved to me on the basis of satisfactory evidence to
be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

[SEAL]

Exhibit A
Property Legal Description in Full

Exhibit B
Stormwater Management System Description