

When recorded, mail to: Sandy City Recorder's Office 10000 Centennial Pkwy Sandy, UT 84070

Project Name: Princeton Terrace

Address: 8377 South Durham Street Sandy, UT

13529533 01/11/2021 10:20 AM \$0.00 Book - 11096 Pg - 4619-4640 RASHELLE HOBBS RECORDER, SALT LAKE COUNTY, UTAH SANDY CITY 10000 CENTENNIAL PARKWAY SANDY UT 84070 BY: ADA, DEPUTY - MA 22 P.

Parcel ID# <u>22-31-304-001-0000</u>;

22-31-304-002-0000; 22-31-304-003-4001

Post-Construction Storm Water Maintenance Agreement

WHEREAS, the Property Owner Zenith Development, LLC recognizes that the Storm Water Facilities (hereinafter referred to as "Facilities") must be maintained for the development called Princeton Terrace, located at 8377 South Durham Street, in the City of Sandy, Salt Lake County, State of Utah; and, WHEREAS, the Property Owner is the Owner of the real property more particularly described on the Attached Exhibit A as recorded by deed in the records of the Clerk of the Salt Lake County Recorder's Office (hereinafter referred to as "The Property"), and,

WHEREAS, The City of Sandy (hereinafter referred to as "The City") and the Property Owner, or its administrator, executors, successors, heirs, or assigns, agree that the health, safety, welfare and well being of the citizens of the City require that the facilities be constructed and maintained on the property, and,

WHEREAS, the Sandy City Ordinances and Code require that the Facilities as shown on the approved development plans and specifications be constructed and maintained by the Property Owner, its administrator, executors, successors, heirs, or assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

Section 1

The Facility or Facilities shall be constructed by the Property Owner in accordance with the plans and specifications approved by The City for the development.

Section 2

The Property Owner, its administrators, executors, successors, heirs or assigns shall maintain the Facilities in good working conditions acceptable to the City and in accordance with the schedule Post-Construction Storm Water Maintenance Plan and Inspection Schedule activities hereto and attached as Exhibit C.

Section 3

The Property Owner, its administrators, executors, successors, heirs or assigns hereby grants permission to the City, its authorized agents and employees, to enter upon the property and to inspect the facilities whenever the City deems necessary. Whenever possible, the City shall provide notice prior to entry.

Section 4

In the event the Property Owner, its administrator, executors, successors, heirs or assigns fail to maintain the Facilities as shown on the approved plans and specifications, in accordance with the Maintenance Schedule incorporated in this Maintenance Agreement, the City, with due notice, may enter the property and take whatever steps it deems necessary to return the Facilities to a good working condition. This provision shall not be construed to

Page 1 of 6 (Rev. 4/24/2019)



allow the City to erect any structure of a permanent nature on the property. It is expressly understood and agreed that the City is under no obligation to maintain or repair the Facilities and in no event shall this Maintenance Agreement be construed to impose any such obligation on the City.

Section 5

In the event the City, pursuant to the Maintenance Agreement, performs work of any nature, or expends any funds in the performance of said work for labor, use of equipment, supplies, materials, and the like, the Property Owner shall reimburse the City within thirty (30) days of receipt thereof for all the costs incurred by the City hereunder. If not paid within the prescribed time period, the City shall secure a lien against the real property in the amount of such costs. The actions described in this section are in addition to and not in lieu of any and all legal remedies available to the City as a result of the Property Owner's failure to maintain the Facilities.

Section 6

The Property Owner will make accommodation for the removal and disposal of all the accumulated sediments. Temporary storage will be provided onsite in a reserved area(s). The sediment will need to be disposed within two weeks after being removed from the storm drain system.

Section 7

The Property Owner shall use the Standard Operation and Maintenance Inspection Report attached to this Maintenance Agreement as Exhibit B and by this reference made a part hereof for the purpose of a minimal annual inspection of the Facilities.

Section 8

The Property Owner, its administrator, executors, successors, heirs and assigns hereby indemnifies and hold harmless the City and its authorized agents and employees for any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against the City from the construction, presence, existence or maintenance of the Facilities by the Property Owner or the existence or maintenance of the Facilities by the Property Owner or the City, its authorized agents or employees, the City shall promptly notify the Property Owner and the Property Owner shall defend at its own expense any suit based on such claim. If any judgment or claims against The City, its authorized agents or employees shall be allowed, the Property Owner shall pay for all costs and expenses in connection herewith.

Section 9

This Maintenance Agreement shall be recorded among the deed records of the Clerk of the Salt Lake County Recorder's Office and shall constitute a covenant running with the land and shall be binding on the Property Owner, its administrator, executors, heirs, assigns and any other successors in interest.

Section 10

This Maintenance Agreement may be enforced by proceedings at law or in equity by or against the parties hereto and their respective successors in interest.

Section 11

Invalidation of any one of the provisions of this Maintenance Agreement shall in no way effect any other provisions and all other provisions shall remain in full force and effect.

Page 2 of 6 (Rev. 4/24/2019)

So AGREED thi	is 8th day of December, 2020
ETU B	toldings LLC PROPERTY OWNER
BY: <u>4</u>	Every Melono
Title:	Managn
STATE OF	WTAH)
COUNTY OF _	Salt Lake)ss
On this said State and Co	day of <u>DFCEMBER</u> 20 <u>20</u> , before me, the subscriber, a Notary Public in and for ounty, personally appeared <u>Charles W. Akerlow</u> , the <u>Manager</u> of <u>ETV Holding</u> , <u>UC</u> , known or identified to me to be the person whose name is
company to exec	e within instrument, and in due form of law acknowledged that he/she is authorized on behalf of sai cute all documents pertaining hereto and acknowledged to me that he/she executed the same as y act and deed on behalf of said company.
	STIMONY WHEREOF, I have hereunto set my hand and affixed my seal in said State and Count ear last above written.
Notary Seal	NOTARY PUBLIC CARRIE CRIVER COMM. # 702916 COMMISSION EXPIRES OCTOBER 16, 2022
	My Commission Expires: 16th OCT 2022
Approved as to f	form:
BY	Tym July Date: 12-15-20 Public Utilities
Attachments:	Exhibit A (Parcel/ Plat and Legal Description) Exhibit B (Standard Operation and Maintenance Inspection Papert)
	Exhibit B (Standard Operation and Maintenance Inspection Report) Exhibit C (Post-Construction Storm Water Maintenance Plan and Inspection Schedule)

EXHIBIT A - Parcel/ Plat and Legal Description

THE BASIS OF BEARING FOR THID DESCRIPTION IS THE SALT LAKE COUNTRY WITNESS CORNER LOCATED S 89°15'05" E 121.06' FROM WEST QUARTER CORNER, SECTION 31, T2S, R1E, SALT LAKE BASE AND MERIDIAN. FOUND BRASS CAP. ELEVATION = 4403.82.

EXHIBIT B - Standard Operation and Maintenance Inspection Report

Inspector Name:

Inspection Date: Address: Frequency of Inspection □ Weekly □ Monthly □ Quarterly □ Annual Maintenance Checked Item Inspected Required? Observations and Remarks Yes NA Yes | NA **Detention/Retention Facilities** Landscaping maintenance 2 Remove sedimentation/debris Repair side slopes (channeling / 3 sloughing) 4 Repair rip-rap protection 5 Repair control structure 6 Cleaning of outfall 7 Maintenance of inlets Maintenance of outlets 8 Storm Drain System Remove sediment from catch 1 basins 2 Cleaning storm drain pipes Maintenance of drainage swales 3 Remove sediment from manholes 4 Remove sediment from sumps 5 Repair oil/ water separator 6 Repair sand filters Parking Lot and Roads Maintenance Sweeping of parking lot 2 Sweeping of streets Cleaning of garbage enclosure 3 4 Cleaning of non-hazardous spills 5 Managing fertilizer use Managing pesticide use Removal of grass after lawn 7 mowing I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information provided is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. BY: ____ Date: Site Inspector

Facility Operation and Maintenance Inspection Report for Storm Drain Facilities

Subdivision /

Property Name:

EXHIBIT C - Post-Construction Storm Water Maintenance Plan and Inspection Schedule (see attached)

POST CONSTRUCTION STORM WATER MAINENANE PLAN & INSPECTION SCHEDULE

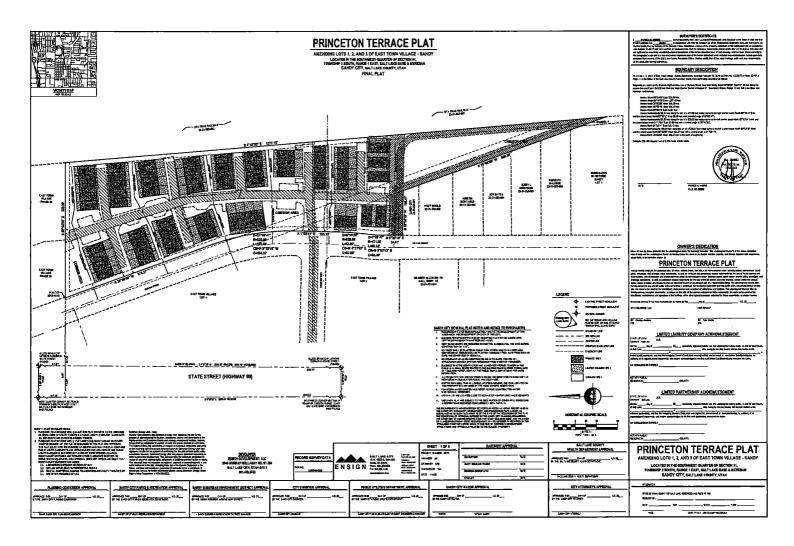
SOPs for Maintenance

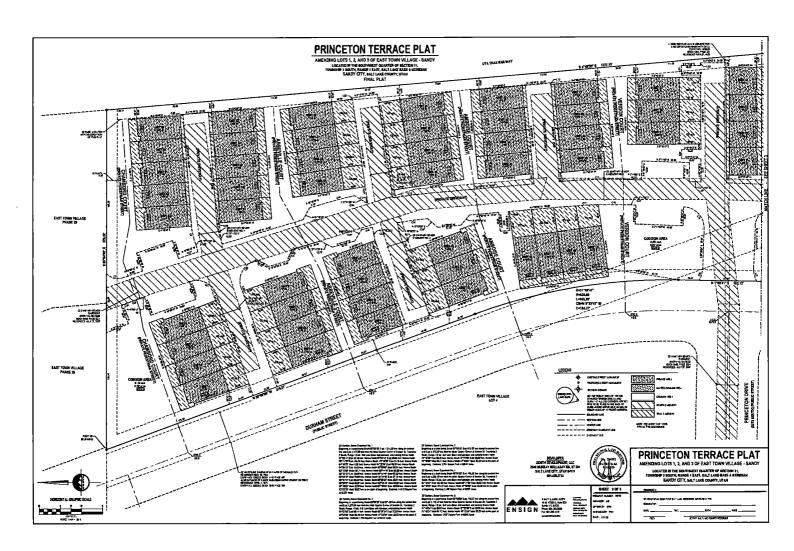
SOP*	Inspection Frequency	Action Type (Inspection or Maintenance	Date	Description of task and needed corrections
Dumpster Inspection	Monthly	Inspection		
Dumpster and Surrounding Area	Weekly	Maintenance		
Sweep parking	Bi-weekly	Maintenance		
Spill Clean-Up	SP	Maintenance		
Oil/Water Separator	Per Manufactor See attached on	Per Manufactor See attached on		
Separator	next pages	next pages		
Storm Drain Pipe	Per SWSMP	Maintenance		
Storm Drain Structures	Per SWSMP	Maintenance		

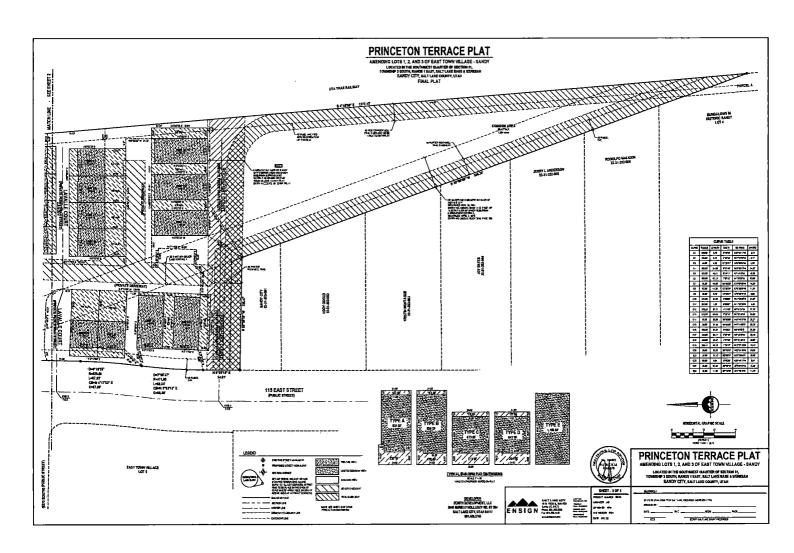
SP: Following Spill Event

SMSMP: Storm Water System Maintenance Plan

*SOPs per Sandy City









Aqua-Swirl® Stormwater Treatment System Inspection and Maintenance Manual



AquaShield[™], Inc. 2733 Kanasita Drive Suite 111 Chattanooga, TN 37343 Toll free (888) 344-9044

Phone: (423) 870-8888 Fax: (423) 826-2112

Email: info@aquashieldinc.com www.aquashieldinc.com

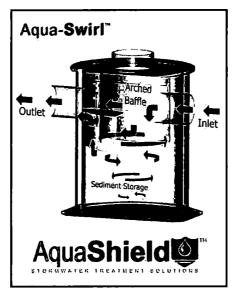
November 2016

© AquaShieldTM, Inc. 2016. All rights reserved.

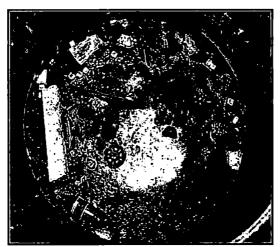


Aqua-Swirl® Stormwater Treatment System

The Aqua-Swirl® Stormwater Treatment System (Aqua-Swirl®) is a vortex-type hydrodynamic separator designed and supplied by AquaShieldTM, Inc. (AquaShieldTM). Aqua-Swirl® technology removes pollutants including suspended solids, debris, floatables and free-floating oil from stormwater runoff. Both treatment and storage are accomplished in the single swirl chamber without the use of multiple or hidden, blind access chambers.



Aqua-Swirl® Stormwater Treatment System



Floatable debris in the Aqua-Swirl®



System Operation

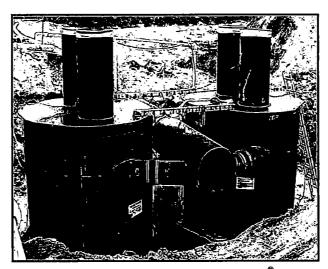
The treatment operation begins when stormwater enters the Aqua-Swirl® through a tangential inlet pipe that produces a circular (or vortex) flow pattern that causes contaminates to settle to the base of the unit. Since stormwater flow is intermittent by nature, the Aqua-Swirl® retains water between storm events providing both dynamic and quiescent settling of solids. The dynamic settling occurs during each storm event while the quiescent settling takes place between successive storms. A combination of gravitational and hydrodynamic drag forces encourages the solids to drop out of the flow and migrate to the center of the chamber where velocities are the lowest.

The treated flow then exits the Aqua-Swirl® behind the arched outer baffle. The top of the baffle is sealed across the treatment channel, thereby eliminating floatable pollutants from escaping the system. A vent pipe is extended up the riser to expose the backside of the baffle to atmospheric conditions, preventing a siphon from forming at the bottom of the baffle.



Custom Applications

The Aqua-Swirl® system can be modified to fit a variety of purposes in the field, and the angles for inlet and outlet lines can be modified to fit most applications. The photo below demonstrates the flexibility of Aqua-Swirl® installations using a "twin" configuration in order to double the water quality treatment capacity. Two Aqua-Swirl® units were placed side by side in order to treat a high volume of water while occupying a small amount of space.



Custom designed AS-9 Twin Aqua-Swirl®



Retrofit Applications

The Aqua-Swirl® system is designed so that it can easily be used for retrofit applications. With the invert of the inlet and outlet pipe at the same elevation, the Aqua-Swirl® can easily be connected directly to the existing storm conveyance drainage system. Furthermore, because of the lightweight nature and small footprint of the Aqua-Swirl®, existing infrastructure utilities (i.e., wires, poles, trees) would be unaffected by installation.



Aqua-Swirl® System Maintenance

The long term performance of any stormwater treatment structure, including manufactured or land based systems, depends on a consistent maintenance plan. Inspection and maintenance functions are simple and easy for the Aqua-Swirl® allowing all inspections to be performed from the surface.

It is important that a routine inspection and maintenance program be established for each unit based on: (a) the volume or load of the contaminants of concern, (b) the frequency of releases of contaminants at the facility or location, and (c) the nature of the area being drained.

In order to ensure that our systems are being maintained properly, AquaShieldTM offers a maintenance solution to all of our customers. We will arrange to have maintenance performed.



Aqua-Swirl® manhole cover



Inspection

The Aqua-Swirl® can be inspected from the surface, eliminating the need to enter the system to determine when cleanout should be performed. In most cases, AquaShield™ recommends a quarterly inspection for the first year of operation to develop an appropriate schedule of maintenance. Based on experience of the system's first year in operation, we recommend that the inspection schedule be revised to reflect the site-specific conditions encountered. Typically, the inspection schedule for subsequent years is reduced to semi-annual inspection.



Maintenance

The Aqua-Swirl® has been designed to minimize and simplify the inspection and maintenance process. The single chamber system can be inspected and maintained entirely from the surface thereby eliminating the need for confined space entry. Furthermore, the entire structure (specifically, the floor) is accessible for visual inspection from the surface. There are no areas of the structure that are blocked from visual inspection or periodic cleaning. Inspection of any free-floating oil and floatable debris can be directly observed and maintained through the manhole access provided directly over the swirl chamber.

Aqua-Swirl® Inspection Procedure

To inspect the Aqua-Swirl[®], a hook is typically needed to remove the manhole cover. AquaShieldTM provides a customized manhole cover with our distinctive logo to make it easy for maintenance crews to locate the system in the field. We also provide a permanent metal information plate affixed inside the access riser which provides our contact information, the Aqua-Swirl[®] model size, and serial number.

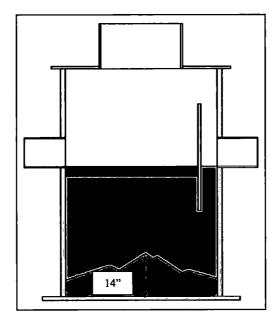
The only tools needed to inspect the Aqua-Swirl® system are a flashlight and a measuring device such as a stadia rod or pole. Given the easy and direct accessibility provided, floating oil and debris can be observed directly from the surface. Sediment depths can easily be determined by lowering a measuring device to the top of the sediment pile and to the surface of the water.

It should be noted that in order to avoid underestimating the volume of sediment in the chamber, the measuring device must be carefully lowered to the *top* of the sediment pile. Keep in mind that the finer sediment at the top of the pile may offer less resistance to the measuring device than the larger particles which typically occur deeper within the sediment pile.

The Aqua-Swirl® design allows for the sediment to accumulate in a semi-conical fashion as illustrated below. That is, the depth to sediment as measured below the water surface may be less in the center of the swirl chamber; and likewise, may be greater at the edges of the swirl chamber.



Sediment inspection using a stadia rod



Maximum recommended sediment depth prior to cleanout is 14 inches for all Aqua-Swirl® models

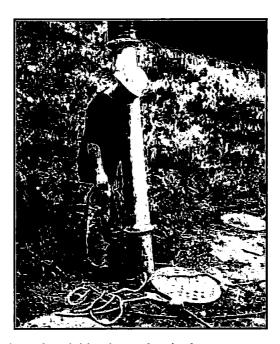
Aqua-Swirl® Cleanout Procedure

Cleaning the Aqua-Swirl® is simple and quick. Free-floating oil and floatable debris can be observed and removed directly through the 30-inch service access riser provided. A vacuum truck is typically used to remove the accumulated sediment and debris. An advantage of the Aqua-Swirl® design is that the entire sediment storage area can be reached with a vacuum hose

from the surface reaching all the sides. Since there are no multiple or limited (blind) access chambers in the Aqua-Swirl[®], there are no restrictions to impede on-site maintenance tasks.

Disposal of Recovered Materials

AquaShieldTM recommends that all maintenance activities be performed in accordance with appropriate health and safety practices for the tasks and equipment being used. AquaShieldTM also recommends that all materials removed from the Aqua-Swirl[®] and any external structures (e.g, bypass features) be handled and disposed in full accordance with any applicable local and state requirements.



Vacuum (vactor) truck quickly cleans the single open access swirl chamber

Agua-Swirl Inspection and Maintenance Work Sheets

Aqua-Swirl[®] Inspection and Maintenance Manual Work Sheets

	SITE and OWNER INFORMATION
Site Name:	
Site Location:	
Date:	Time:
Inspector Name:	
Inspector Company:	Phone #:
Owner Name:	
Owner Address:	
Owner Phone #:	Emergency Phone #:
	INSPECTIONS

I. Floatable Debris and Oil

- 1. Remove manhole lid to expose liquid surface of the Aqua-Swirl®.
- 2. Remove floatable debris with basket or net if any present.
- 3. If oil is present, measure its depth. Clean liquids from system if one half (1/2) inch or more oil is present.

Note: Water in Aqua-Swirl® can appear black and similar to oil due to the dark body of the surrounding structure. Oil may appear darker than water in the system and is usually accompanied by oil stained debris (e.g. Styrofoam, etc.). The depth of oil can be measured with an oil/water interface probe, a stadia rod with water finding paste, a coliwasa, or collect a representative sample with a jar attached to a rod.

II. Sediment Accumulation

- 1. Lower measuring device (e.g. stadia rod) into swirl chamber through service access provided until top of sediment pile is reached.
- 2. Record distance to top of sediment pile from top of standing water: ______ inches.
- 3. Maximum recommended sediment depth prior to cleanout is 14 inches for all models. Consult system shop drawing for treatment chamber depth as measured from the inlet pipe invert to base of the unit.

III. Diversion Structures (External Bypass Features)

If a diversion (external bypass) configuration is present, it should be inspected as follows:

- 1. Inspect weir or other bypass feature for structural decay or damage. Weirs are more susceptible to damage than off-set piping and should be checked to confirm that they are not crumbling (concrete or brick) or decaying (steel).
- 2. Inspect diversion structure and bypass piping for signs of structural damage or blockage from debris or sediment accumulation.
- 3. When feasible, measure elevations on diversion weir or piping to ensure it is consistent with site plan designs.
- 4. Inspect downstream (convergence) structure(s) for sign of blockage or structural failure as noted above.

CLEANING

Schedule cleaning with local vactor company or AquaShieldTM to remove sediment, oil and other floatable pollutants. The captured material generally does not require special treatment or handling for disposal. Site-specific conditions or the presence of known contaminants may necessitate that appropriate actions be taken to clean and dispose of materials captured and retained by the Aqua-Swirl[®]. All cleaning activities should be performed in accordance with property health and safety procedures.

AquaShieldTM always recommends that all materials removed from the Aqua-Swirl[®] during the maintenance process be handled and disposed in accordance with local and state environmental or other regulatory requirements.

MAINTENANCE SCHEDULE

I. During Construction

Inspect the Aqua-Swirl® every three (3) months and clean the system as needed. The Aqua-Swirl® should be inspected and cleaned at the end of construction regardless of whether it has reached its maintenance trigger.

II. First Year Post-Construction

Inspect the Aqua-Swirl® every three (3) months and clean the system as needed.

Inspect and clean the system once annually regardless of whether it has reached its sediment or floatable pollutant storage capacity.

III. Second and Subsequent Years Post-Construction

If the Aqua-Swirl® did not reach full sediment or floatable pollutant capacity in the First Year Post-Construction period, the system can be inspected and cleaned once annually.

© AquaShieldTM, Inc. 2016. All rights reserved.

If the Aqua-Swirl® reached full sediment or floatable pollutant capacity in less than 12 months in the First Year Post-Construction period, the system should be inspected once every six (6) months and cleaned as needed. The Aqua-Swirl® should be cleaned annually regardless of whether it reaches its sediment or floatable pollutant capacity.

IV. Bypass Structures

Bypass structures should be inspected whenever the Aqua-Swirl[®] is inspected. Maintenance should be performed on bypass structures as needed.

MAINTENANCE COM	IPANY INFORMATION
Company Name:	
Street Address:	
City:St	rate/Prov.:Zip/Postal Code:
Contact:	Title:
Office Phone:	Cell Phone:
ACTIV	ITY LOG
Date of Cleaning:	(Next inspection should be 3 months from this data for first year).
Time of Cleaning: Start:	End:
Date of Next Inspection:	
Floatable debris present: Yes No	
Notes:	
	(inches):
STRUGIURAL CONDITI	IONS and OBSERVATIONS

Structural damage: Yes		No	Where:							
Structural wear: Yes		No	Where:							
Odors present:	Yes	No	No Describe:							
Clogging: Yes	No	Descr	ribe:							
Other Observations:										
			NOTES							
			or Actions To Be Taken	Time Frame						
114411101141 00		5 414,0	7 110110115 10 20 1111011	111111						
		.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,								
			ATTACHMENTS							

- Attach site plan showing Aqua-Swirl® location.
- Attach detail drawing showing Aqua-Swirl® dimensions and model number.
- If a diversion configuration is used, attach details showing basic design and elevations (where feasible).

Aqua-Swirl®

TABULAR MAINTENANCE SCHED	UICE CONTRACTOR OF THE STATE OF
Date Construction Started:	-
Date Construction Ended:	-
Diverge Construction	

	Month											
Activity	1	2	3	4	5	6	7	8	9	10	11	12
Inspect and Clean as needed			X			Х			Х		_	х
Inspect Bypass and maintain as needed			Х			Х			Х			х
Clean System*												X*

^{*} The Aqua-Swirl® should be cleaned once a year regardless of whether it has reached full pollutant storage capacity. In addition, the system should be cleaned at the end of construction regardless of whether it has reach full pollutant storage capacity.

First Year Post-Construction

	Month											
Activity	1	2	3	4	5	6	7	8	9	10	11	12
Inspect and Clean as needed			х			Х			х			Х
Inspect Bypass and maintain as needed			х			Х			Х			X
Clean System*	./8		·	_								X*

^{*} The Aqua-Swirl® should be cleaned once a year regardless of whether it has reached full pollutant storage capacity.

Second and Subsequent Years Post-Construction

	Month											
Activity	1	2	3	4	5	6	7	8	9	10	11	12
Inspect and Clean as needed												X*
Inspect Bypass, maintain as needed												X*
Clean System*	(a)											X*

^{*} If the Aqua-Swirl® did <u>not</u> reach full sediment or floatable pollutant capacity in the First Year Post-Construction period, the system can be inspected and cleaned once annually.

If the Aqua-Swirl® <u>reached</u> full sediment or floatable pollutant capacity in less than 12 months in the First Year Post-Construction period, the system should be inspected once every six (6) months or more frequently if past history warrants, and cleaned as needed. The Aqua-Swirl® should be cleaned annually regardless of whether it reaches its full sediment or floatable pollutant capacity.







