

ZONING

170 Attachment 5

Town of Centreville

APPENDIX B

Critical Area Planting and Maintenance Agreement

THIS AGREEMENT, made this ____ day of _____, 20____, by and between _____, hereinafter the "Applicant" and Town of _____, Maryland, hereinafter the "Town". The parties have expressly entered into this agreement to protect and preserve the plant, and wildlife habitats, to improve the water quality, and to mitigate the adverse impacts of development in the designated area(s) pursuant to the Town's Chesapeake Bay Critical Area Program and located at _____. The parties herein agree to the conservation measures listed below in accordance with the Town Zoning Ordinance Section _____, and with all applicable Town, state, and federal laws and regulations for conservation of the natural resources within the Town.

WITNESSETH:

The Applicant seeks approval of the Critical Area Planting and Maintenance Agreement submitted and attached hereto as PA _____, which consists of the following elements:

1. Critical Area Planting Plan.
2. Additional plans such as landscape, sediment and erosion control, non-native invasive removal etc.

The Town seeks to ensure that adequate conservation measures are performed under the terms of this agreement by the applicant for the installation, maintenance, and preservation of the natural environment in Town.

IN CONSIDERATION of the mutual promises of the parties and the following terms and conditions, and in further consideration of the attached Critical Area Planting and Maintenance Agreement, PA - _____, and other applicable plans as enumerated herein and the issuance of permits for the work proposed to be done by the Applicant, the parties agree as follows:

1. The Applicant has deposited with the Town, and the Town acknowledges that it holds, by its execution of this agreement, a cash bond, surety bond or letter of credit in the sum of dollars, (\$ _____) under and subject to the terms of this agreement. This bond shall be held by the Town for _____ (____) years from the date of this agreement to insure that the applicant is in compliance with the terms of the Planting Plan. The Town shall complete a final inspection of the site and certify that the Applicant has completed all conservation measures enumerated in the Critical Area Planting and Maintenance Agreement.

2. The Applicant agrees to planting and maintenance for the proposed project by including the following elements:

CENTREVILLE CODE

A. Plant the following:

All areas identified in the Critical Area Planting Plan on site to a total of _____sq. Ft./ acres and further described as (ex: 5 containerized hardwoods and 3 balled and burlap conifers)

_____.

B. Required plantings shall be installed no later than _____.
Upon completion of the planting, the applicant shall notify the Town for an inspection.

C. A 60% survival rate after one year must be guaranteed by the undersigned, this agreement includes replanting after one year, if necessary, to achieve the required survival rate.

D. ALL revegetation MUST be installed as indicated on the approved Planting Plan.

3. In the event that the conservation measures as practiced in the field are inadequate, the Town shall require revisions to the Critical Area Planting Agreement before any further work may be done on the project. The Town may issue a stop work order, where appropriate, to insure that the conservation measures of the Applicant are in conformity with the approved terms of this Agreement.

4. If there are any deficiencies at the time of the final inspection, a stop work order will be posted and no further work shall be done nor shall a Certificate of Occupancy be issued on the project until such deficiencies are corrected to the terms of this Agreement.

5. In the event the Applicant breaches the Critical Area Planting Agreement, the Applicant shall forfeit any bonds. The bonds shall be used by the Town to restore the property. If the bonds are insufficient to pay the costs of restoration, the Town shall place a lien against said property for all monies due and owing to the Town.

6. The Town shall have the right to enter upon the land and inspect at any time during the project. The Town shall further have the right to enter upon the land and restore the property with the bond deposited with the Town by the Applicant, should the Applicant fail to complete the project.

7. It is expressly agreed by all parties that it is the purpose and intent of this agreement to insure the installation, maintenance, and performance of conservation measures provided for by the approved plans or revisions or modifications thereof, in the designated Critical Area Program or on a specific project approved herein. The parties further agree that this Critical Area Planting Agreement shall be governed by and construed by the laws of the State of Maryland.

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8. This Planting and Maintenance Agreement shall continue in full effect thru transfer of property ownership in part or entirety, not to exceed _____ () years from the date of this agreement.

IN WITNESS, the parties have caused this agreement to be executed.

WITNESS OF ATTEST

APPLICANT

WITNESS OF ATTEST

Subscribed and sworn to me in my presence this ____ day of _____, 20 ____, a Notary for the Town of _____, State of Maryland.

(Signature, Notary)

My commission expires _____.