

AFFIDAVIT AS NOTICE OF AGREEMENT BETWEEN THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA AND PROPERTY OWNER AFFECTING REAL PROPERTY AND MEMORIALIZING AN EASEMENT ARISING BY OPERATION OF LAW.

Project Name: _____

IN RE: _____, the present owner of the building and premises at No. ___, _____ Street, Athens-Clarke County, Georgia, and the deed conveying title to said present owner, of record in deed book _____, page _____, in the office of the Clerk of the Superior Court of Athens-Clarke County, Georgia.

STATE OF

GEORGIA COUNTY

OF CLARKE

Before the undersigned attesting officer came _____ who being duly sworn deposes and says that he is the grantee in a deed from _____ of record in deed book _____, folio _____ as above stated, conveying said premises; and that upon said premises by operation of law under Section 5-4-9 of the Code of Ordinances of Athens-Clarke County, Georgia, a non-exclusive easement of access for the purpose of inspection of a stormwater management facility arose in favor of Athens-Clarke County, Georgia. Further deponent shows that as required by Section 5-4-9 of the Code of Ordinances of Athens-Clarke County, Georgia, deponent has entered into a "Stormwater Management Facility Inspection & Maintenance Agreement" with the Unified Government of Athens-Clarke County, Georgia concerning the stormwater management facility located upon said premises. That agreement is attached hereto as "Exhibit A," and is hereby incorporated by reference into this affidavit.

This affidavit is made pursuant to the provisions of O.C.G.A. Section 44-2-20, and in connection with a fact or circumstance affecting title to land or any right, title, interest in, or encumbrance upon land.

Signature: _____

Print Name: _____

Sworn to and subscribed before me, this ___ day of _____, 20__.

Notary Public _____

County, Georgia

"EXHIBIT A"

STORMWATER MANAGEMENT FACILITY

INSPECTION & MAINTENANCE AGREEMENT

Whereas the undersigned owner holds title to certain real property located _____

_____ in Athens-Clarke County, Georgia. In Accordance with
Section 5-4-9 of the Code of Athens-Clarke County, Georgia, the undersigned does hereby guarantee as follows:

1. All maintenance and repairs of required stormwater management facilities shall be the responsibility of the owner.
2. The agents and designees of the Athens-Clarke County Transportation and Public Works Department shall have access at reasonable times to periodically inspect stormwater management facilities.
3. If, after inspection, the conditions of the stormwater management facilities present an immediate danger to the public health, safety, or general welfare because of unsafe conditions or improper maintenance, the department shall have the right, but not the duty, to take such action as may be necessary to protect the public and make the facility safe. Any cost incurred by the department shall be paid by the owner as set forth in (4) below.
4. The department shall notify the owner of any violation, deficiency or failure to comply with the Stormwater Management Ordinance. Upon failure to correct violations requiring maintenance work within ten (10) working days after notice thereof, the department may provide for all necessary work to place the stormwater management facilities in proper working condition. The owner shall be assessed the costs of the work performed by the department, and there shall be a lien on all property of the owner which utilizes or will utilize such facilities in achieving stormwater management, which lien, when filed in the Athens-Clarke County real estate records, shall have the same status and priority as liens for ad valorem taxes.

Signature

Print Name