



Developer's Agreement for Subdivisions & Non-residential Development

Landscape Guarantee and Maintenance of Site Improvements

Prior to final inspection or Certificate of Occupancy (CO) the Department of Planning & Community Development (DPCD) shall inspect all required improvements to ensure that all site improvements have been installed appropriately. At time of issuance of the Final Inspection and/or Certificate of Occupancy (CO) the property owner shall execute this *Developer's Agreement* or provide a cash bond or irrevocable letter of credit to ensure that all site improvements shall be maintained in proper condition in perpetuity. This agreement shall be recorded at the property owner's expense and a copy of the recorded document shall be provided to the DPCD.

The property owner at the time of final inspection guarantees that the installed improvements (such as but not limited to stormwater management facilities, parking, landscaping, signage, and required screening or buffering) shall be maintained in good condition in perpetuity. Upon notification by the Town the property owner(s) and their successors or assigns shall replace/repair all unhealthy, dead, dying diseased plants, broken parking lot surfaces, broken or missing parking bumpers, fencing used for screening which has been broken or deteriorated to a condition where it no longer effectively screens the dumpsters or outdoor storage area(s), and malfunctioning stormwater management facilities.

The DPCD shall inspect the required site improvements approximately one-year after installation to determine that the required site improvements are being properly maintained. Any items which need repair/replacement shall be noted on the inspection. The property owner(s) shall be notified of any deficiencies and permitted 30-days to address the deficiency.

Date: _____

Project Name: _____

Site Plan Number: _____

As the property owner(s) for the above referenced project, the undersigned guarantee to Town of Colonial Beach that all required site improvements have been and shall continue to be maintained in perpetuity. The property owner(s) also understands that he/she is responsible for long-term maintenance and replacement of any required site improvements for the life of the project. Any transfer of property ownership shall be subject to this guarantee.

Additionally, as the property owner(s) and any and/or all successors or assigns shall repair/replace all required site improvements upon notification of the Town within 30-days of such notification. It is understood that failure to comply with the terms of this *Developer's Agreement* may result in a Notice of Violation from the Town of Colonial Beach.

Property Owner(s) Signature

Please Print Name

Property Owner(s) Signature

Please Print Name

Mailing Address: _____

City, State, Zip: _____

Phone: _____

E-Mail: _____

ACKNOWLEDGEMENT

I, _____, a Notary Public for said County of _____ in the State of Virginia, do hereby certify that _____

whose name(s) is/are signed to the forgoing certificate of Confirmation by Owners, and Plat, dated _____ day of _____ have acknowledged the same before me in my County aforesaid. Given under my hand(s) this _____ day of _____, _____ . My commission expires: _____.

NOTARY PUBLIC