

STORMWATER DRAINAGE SYSTEM MAINTENANCE AGREEMENT

IN CONSIDERATION OF the site plan approval granted by the Planning Staff of the City of Portland to the proposed 340 Park Avenue renovation and stormwater management upgrade shown on the Site Plan recorded in the Cumberland County Registry of Deeds in Plan Book ___, Page ___ (the “Plan”) and associated Grading & Drainage Plan (Sheet C-30), dated 3/14/2017 prepared by Acorn Engineering, Inc. of P.O. Box 3372, Portland, ME 04104 dated and pursuant to a condition thereof, LQ Management, LLC, a Texas limited liability company with a principal place of business in Irving, Texas and having a mailing address of 909 Hidden Ridge, Suite 600, Irving, TX 75038, the owner of the subject premises, does hereby agree, for itself, its successors and assigns (the “Owner”), as follows:

Maintenance Agreement

That it, its successors and assigns, will, at its own cost and expense and at all times in perpetuity, maintain in good repair and in proper working order the StormTank subsurface detention system, the catch basins and outlet control structure, storm drain pipes, and underdrain pipes (hereinafter collectively referred to as the “stormwater system”) as shown on the Grading & Drainage Plan, C-30, attached hereto as **Exhibit B** and in strict compliance with the approved Stormwater Inspection & Maintenance Plan and Stormwater Maintenance and Inspection Log, dated 3/14/2017, copies attached as **Exhibit A and C** respectively and Chapter 32 of the Portland City Code.

Owner of the subject premises further agrees, at its own cost, to keep a Stormwater Maintenance and Inspection Log in the forms attached as **Exhibit C**. Such log shall be made available for inspection by the City of Portland upon reasonable notice and request.

Said agreement is for the benefit of the said City of Portland and all persons in lawful possession of the property and abutters thereto; further, that the said City of Portland or said persons in lawful possession may enforce this Agreement by an action at law or in equity in any court of competent jurisdiction; further, that after giving the Owner written notice and a stated time to perform, the said City of Portland, by its authorized agents or representatives, may, but is not obligated to, enter upon said premises to maintain, repair, or replace said stormwater system, including but not limited to the subsurface detention

units BMP system, storm drain pipes, underdrain pipes, and other drainage structures thereon in the event of any failure or neglect thereof, the cost and expense thereof to be reimbursed in full to the said City of Portland by the Owner upon written demand. Any funds owed to the City under this paragraph shall be secured by a lien on the property.

This Agreement shall not confer upon the City of Portland or any other person the right to utilize said stormwater system for public use or for the development of any other property, and the Owner shall bear no financial responsibility by virtue of this Agreement for enlarging the capacity of said system for any reason whatsoever.

This Agreement shall also not be construed to allow any change or deviation from the requirements of the subdivision and/or site plan most recently and formally approved by the Planning Staff of the City of Portland.

This agreement shall bind the undersigned only so long as it retains any interest in said premises, and shall run with the land and be binding upon the Owner's successors and assigns as their interests may from time to time appear.

The Owner agrees to provide a copy of this Agreement to any successor or assign and to forward to the City an Addendum signed by any successor or assign in which the successor or assign states that the successor or assign has read the Agreement, agrees to all its terms and conditions and the successor or assign will obtain and forward to the City's Department of Public Works and Department of Planning and Urban Development a similar Addendum from any other successor or assign.

For the purpose of this agreement and release "Owner" is any person or entity who is a successor or assign and has a legal interest in part, or all, of the real estate and any building. The real estate shown by chart, block and lot number in the records on file in the City Assessor's office shall constitute "the property" that may be entered by the City and liened if the City is not paid all of its costs and charges following the mailing of a written demand for payment to the owner pursuant to the process and with the same force and effect as that established by 36 M.R.S.A. §§ 942 and 943 for real estate tax liens.

Any written notices or demands required by the agreement shall be complete on the date the notice is attached to one or more doors providing entry to any buildings or residential units and mailed by certified mail, return receipt requested or ordinary mail or both to the owner of record as shown on the tax roles on file in the City Assessor's Office.

If the property has more than one owner on the tax rolls, service shall be complete by mailing it to only the first listed owner. The failure to receive any written notice required by this agreement shall not prevent the City from entering the property and performing maintenance or repairs on the stormwater system, or any component thereof, or liening it or create a cause of action against the City.

Dated at Portland, Maine this _____ day of _____, 2017.

LQ Management, LLC
A Texas limited liability company

John Robinson, Project Manager

STATE OF MAINE
CUMBERLAND, ss.

Date: _____

Personally appeared the above-named John Robinson, Project Manager of LQ Management, LLC, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

Notary Public/Attorney at Law

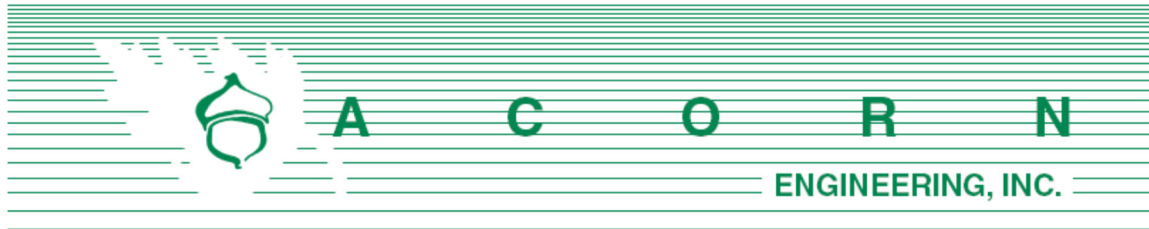
Print name: _____

Attachments:

Exhibit A: Stormwater Inspection & Maintenance Plan

Exhibit B: Grading & Drainage Plan

Exhibit C: Stormwater Maintenance and Inspection Log



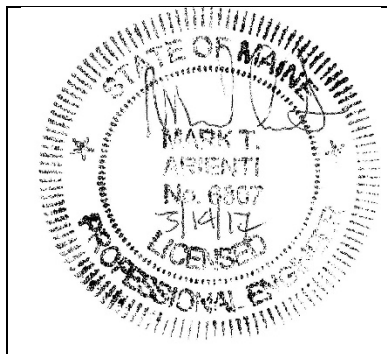
**POST CONSTRUCTION - STORMWATER
INSPECTION & MAINTENANCE PLAN**

Prepared For:

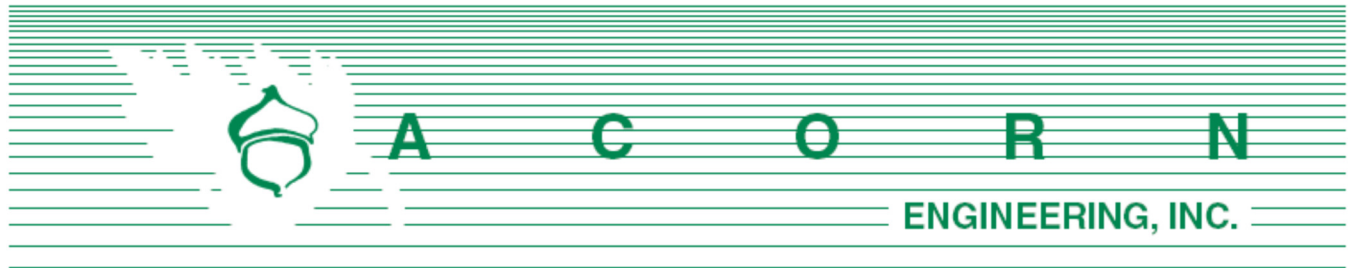
**LQ Management LLC
909 Hidden Ridge, Suite 600
Irving, Texas 75038**

Prepared By:

**Acorn Engineering, Inc.
158 Danforth Street
Portland, Maine 04102**



March 2017



RESPONSIBLE PARTY

The owner, LQ Management LLC, and or their successor shall be responsible for contracting with a qualified stormwater professional to implement the Inspection and Maintenance Plan. The qualified stormwater professional shall maintain a stormwater log (report) summarizing inspections, maintenance, and corrective action taken. The Qualified Stormwater Professional shall annually submit the Stormwater Log to the Department of Public Services prior to June 30th.

The following is an example of a qualified stormwater professional that the landowner may contract through:

Organization: Mark Arienti, PE
Acorn Engineering, Inc
Portland, Maine

Phone: (207) 775-2655

Qualifications:

- Maine Professional Engineering License #6807
- Maine DEP - Certified in Maintenance & Inspection of Stormwater BMP's Cert #073

The inspection and maintenance criteria is based upon the Maine DEP - Stormwater Management for Maine, Volume III: BMPs Technical Design Manual. Refer to the Grading and Drainage Plan for the location of the BMPs.

PURPOSE

This Inspection and Maintenance Plan has been individually tailored to this property's stormwater infrastructure, site characteristics, and their respective opportunities and limitations related to reducing the pollutant load on the receiving watershed. The maintenance of a parcel's impervious surfaces and stormwater infrastructure is critical to extending the long-term performance and effectiveness of Best Management Practices (BMPs). The Inspection and Maintenance Plan represents the parcel's minimum activities to meet the permit requirements. The parcel shall still be subject to any applicable Civil Site Plans, Permit Applications, Erosion and Sedimentation Control Plans Reports, Stormwater Management Plans, Inspection and Maintenance Manuals, and all Municipal, State, and Federal rules.

OPERATION AND MAINTENANCE ACTIVITY

StormTank Modules:

The maintenance of the Stormtank modules that make up the underground detention system shall be in accordance with the following activities identified below and the recommendations from the manufacturer (see attached Maintenance Guidelines).

Inspections

1. Frequency
 - a. During the first service year a visual inspection should be completed during and after each major rainfall event, in addition to semi-annually, to establish a pattern of sediment and debris buildup.
 - b. Second year plus; establish an annual inspection frequency based on the information collected during the first year. At a minimum an inspection should be performed semi-annually.
 - c. Seasonal change; regional areas affected by seasonal change (spring, summer, fall, winter) may require additional inspections at the change of seasons in addition to semi-annually.
2. What to Inspect:
 - a. Inspection ports.
 - b. Inflow and outflow points including the inlet/manhole and pipes.
 - c. Discharge area.
3. When Maintenance Is Required:
 - a. Sediment and debris accumulation.
 - b. System backing up.
 - c. Flow rate change.

Maintenance Procedures:

1. Determine if maintenance is required.
2. Using a vacuum pump truck evacuate debris from the inflow and outflow points.
3. Flush the system with clean water forcing debris from the system. Take care to avoid extreme direct water pressure when flushing the system.
4. Repeat steps 2 and 3 until no debris is evident

Sweeping:

Annual sweeping of the driveway and parking areas following the snow melt for accumulated winter sand, if necessary. Appropriately dispose of all collected material.

Storm Drains:

The storm drain shall be annually inspected for the presence of accumulated sediment or debris. Any sediment shall be removed as required.



- The equipment shall meet the following minimum specifications; power jet and water source for washing down the storm drain, vacuum attachment for catch basin cleaning, and a liquid handling method to dewater the material.
- Inspect and legally dispose of accumulated sediment and debris within the storm drains between basins. Liquids must be decanted on-site and returned to the catch basin.

Catch Basins:

Catch basins shall be inspected to confirm the structure is operating properly.

- Inspect the presence of accumulated sediment or debris any sediment shall be removed. The equipment shall meet the following minimum specifications; power jet and water source for washing down the storm drain, vacuum attachment for catch basin cleaning, and a liquid handling method to dewater the material.
- Sediment shall be removed when accumulation is within 6 inches of the outfall pipe invert. Legally dispose of accumulated sediment and debris from the bottom of the basin, inlet grates, and inflow channels to the basin.
- If the basin outlet is designed with a hood to trap floatable materials (e.g. Snout or StormTank shield), check to ensure watertight seal is working.
- Appropriately dispose of all collected material.

Landscaped, Vegetated and Areas Adjacent to Retaining Walls:

Inspect all landscaped and or vegetated slopes and embankments on an annual basis. Vegetated areas with bare areas or sparse growth (<90% coverage) shall be revegetated. Mulch shall be applied to landscaped areas, as necessary. Dead or decaying landscaping (ground cover, shrubs, trees etc.) shall be replanted in accordance with the approved Landscape Plan.

If signs of rill erosion or scour are present on slopes, Acorn Engineering should be immediately contacted to perform an inspection and/or to contact the appropriate professional.

INSPECTION AND MAINTENANCE TABLE

Inspection and Maintenance Frequency	Spring or Yearly	Summer	Fall	As Necessary
StormTank Modules	X		X	X
Sweeping	X			X
Storm Drains		X		X
Catch Basins		X		X
Landscaped/Vegetated Areas	X			X

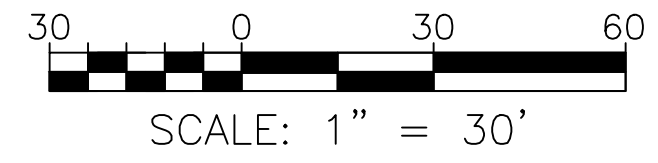
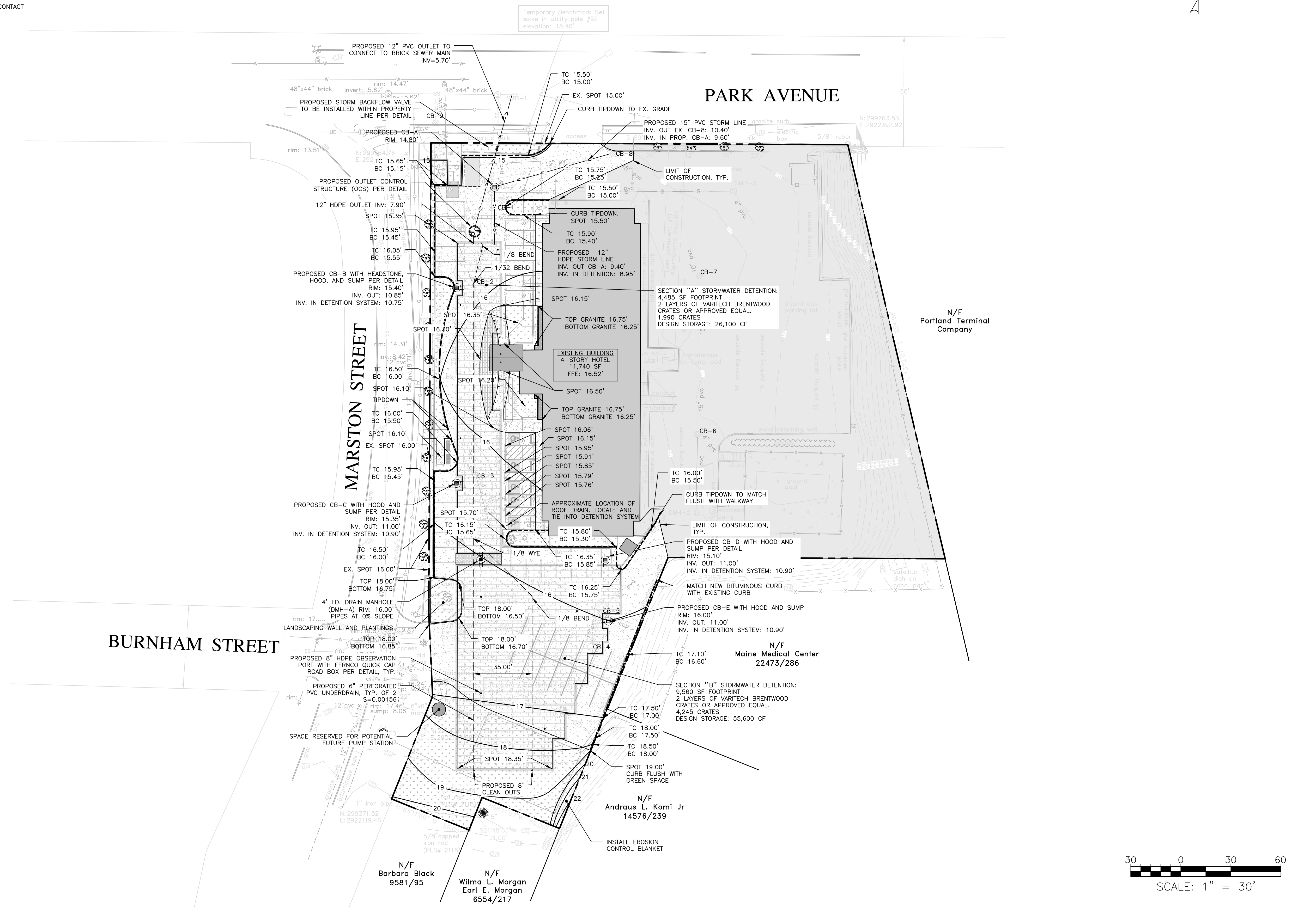


- GENERAL NOTES:
- ALL WORK WITHIN THE CITY STREET RIGHT OF WAY SHALL MEET CITY OF PORTLAND TECHNICAL MANUAL STANDARDS.
 - CONTRACTOR SHALL ENSURE THAT UNDERDRAINS ARE CONSTRUCTED WITH POSITIVE OUTLET TO PROPOSED CONNECTIONS.
 - CONTRACTOR TO REFERENCE GEOTECHNICAL REPORT AND MINIMUM OSHA CUT SLOPES BASED UPON SOIL PROFILES BEFORE EXCAVATION.
 - DO NOT EXCEED A GRADE OF 2% WITHIN ADA PARKING AREA.
 - CONTRACTOR TO RE-GRADE ESPLANADE AS NEEDED TO MATCH EXISTING GRADES AT PROPERTY LINE.
 - CONTRACTOR SHALL ENSURE THAT MULCH AND LANDSCAPING DOES NOT COME INTO CONTACT WITH BUILDING E.I.F.S.

EXISTING DRAINAGE STRUCTURE SCHEDULE			
STRUCTURE	RIM	INV. IN	INV. OUT
CB-1	14.46'	NONE VERIFIED	11.96' (6" PVC)
CB-2	14.72'	11.42' (8" PVC)	11.42' (8" PVC)
CB-3	14.84'	12.69' (4" PVC)	12.54' (8" PVC)
CB-4	15.37'	NONE VERIFIED	12.42' (12" PVC)
CB-5	14.86'	12.31' (12" PVC) 12.46' (12" OPP)	12.31' (12" PVC)
CB-6	14.56'	11.36' (4" PVC) 11.36' (12" PVC)	11.31' (15" PVC)
CB-7	14.49'	10.74' (10" PVC) 10.69' (15" PVC)	10.64' (10" PVC)
CB-8	14.68'	10.58' (15" PVC)	10.48' (15" PVC)
CB-9	14.18'	NONE VERIFIED	10.58' (15" PVC)
DMH-1	14.80'	10.55' (8" PVC) 8.70' (15" PVC)	NONE VERIFIED
DMH-2	15.02'	NONE VERIFIED	11.62' (12" PVC)

* EXISTING STRUCTURES AS DEFINED BY THE EXISTING CONDITIONS SURVEY DATED NOVEMBER 15TH, 2016 BY TITCOMB ASSOCIATES

PROPOSED DRAINAGE STRUCTURE SCHEDULE			
STRUCTURE	RIM	INV. IN	INV. OUT
OCS	15.30'	7.70' (12" HDPE) 6.10' (6" PVC)	6.00' (12" PVC)
CB-A	14.80'	9.60' (15" PVC)	9.40' (12" HDPE)
CB-B	15.40'	-	11.00' (24" HDPE)
CB-C	15.35'	-	11.00' (24" HDPE)
CB-D	15.10'	-	11.00' (24" HDPE)
CB-E	16.00'	-	11.00' (24" HDPE)
DMH-A	16.00'	7.90' (24" HDPE)	7.90' (24" HDPE)



PRELIMINARY
NOT ISSUED FOR
CONSTRUCTION

ISSUED FOR	BY
FINAL APP.	MTA
CITY COMMENTS	MTA

DRAWING NAME: GRADING & DRAINAGE PLAN
PROJECT NAME: HOTEL RENOVATION & STORMWATER UPGRADES
CLIENT: LQ MANAGEMENT, LLC
 909 HIDDEN RIDGE SUITE 600, IRVING, TEXAS 75038

ACORN ENGINEERING, INC.
 158 BANKFOOT ST. PORTLAND, MAINE 04102
 (207) 775-2655

FILE:	5012_CIVIL
JN:	5012
SCALE:	1"=30'
DESIGNED BY:	SJL
DRAWN BY:	SJL
CHECKED BY:	MTA

STATE OF MAINE
 MARK T. ARGENTI
 No. 6307
 5/14/12
 PROFESSIONAL ENGINEER

DRAWING NO. **C-30**

STORMWATER MAINTENANCE AND INSPECTION AGREEMENT: INSPECTION LOG

FILTRATION BMP:	
Location: 340 Park Avenue Portland, Maine	Latitude: 43.64991389° N
	Longitude: - 70.25986111° W
Description of Located Point: Parking Lot East Side of Hotel Entry	Inspector:
	Date of Inspection:
	Weather Conditions:

Maintenance Items	Inspect In Spring	Inspect In Fall	Inspect As Necessary		Maintenance Requested (Date)	Maintenance Completed (Date)	Summary of Maintenance Required
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Subsurface Detention System							
Pipes/culverts are free of obstruction, accumulated sediment and debris	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A			
The outlet control structure is in good working condition.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A			
Basin outlet hoods are working properly.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A			
Maintain in accordance with manufacturer's recommendations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A			
Inter-basin storm drain is functioning properly and free of sediment and debris.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A			
Sediment is less than 2 inches in depth within the observation ports	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A			
Catch basin is working properly and is free of debris and sediment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A			
Access to facility is adequate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A			
Photographs of most recent site inspection are included	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A			Photographs are attached.

Additional Comments:	
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