

DEVELOPER'S EROSION MAINTENANCE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, by plat denoted as **DIAMOND PARK ESTATES, LOTS 1-18 BLOCK 1** (hereinafter referred to as "**DIAMOND PARK ESTATES**") approved on AUGUST 12, 2019 by the City Council of the City of North Richland Hills, Tarrant County, Texas, **BENCHMARK AMERICAN HOMES** ("OWNER") was permitted to develop the site described thereon in accordance with such plat; and

WHEREAS, such **DIAMOND PARK ESTATES** currently drains into a privately owned water body (located within the Diamond Loch Addition; Block 2, Lots 16-18, 20, 22-28, 34-36 and 45-57); and

WHEREAS, the act of developing land will cause silt laden runoff to drain downstream; and

WHEREAS, the City is willing to permit **OWNER** to construct **DIAMOND PARK ESTATES** in accordance with plans approved by the City, provided that **OWNER** agrees to maintain such erosion and sediment controls to minimize downstream impacts and to restore the downstream properties to existing conditions.

NOW, THEREFORE, **OWNER** at its sole cost and expense agrees to the following:

1. Adhere to the requirements of the City Code, specifically Chapter 102: "Floods and Stormwater Management", Articles III: "Stormwater Management" and VI: "Erosion and Sediment Control"
2. Dredge the privately held pond within the Diamond Loch subdivision immediately prior to final acceptance of public infrastructure to restore it to pre-project condition as determined by a pre-project survey/assessment.
3. Manage the construction process in a prudent manner to minimize soil erosion and downstream sedimentation:
 - a. Maintain all erosion and sediment control best management practices in accordance with the approved erosion control plan during the construction process weekly and immediately after each rain event. The approved erosion control plan is included as Exhibit "A".
 - b. Install additional erosion and sediment control best management practices in the event that the approved erosion control plan fails to adequately prevent erosion and maintain sediment on site.

- c. Clean adjacent streets and rights of way within 48-hours after each rain event that deposits sediment from **DIAMOND PARK ESTATES** in the adjacent streets and rights of ways.

4. Should **OWNER**, or the then current owner of the property described herein, fail to remedy any inadequacy in its maintenance of the Detention/Retention Facility within twenty (20) days of receipt of written notice from the City, the City may, but shall not be obligated, to provide such maintenance that it shall reasonably deem necessary and all costs thereof shall be reimbursed to the City by **OWNER**, or the then current owner of the property described herein, upon written demand therefor. If **OWNER**, or the then current owner of the property described herein, fails to so reimburse the City within ten (10) days of such written demand, the City shall have a lien against **DIAMOND PARK ESTATES** for such amount. By acceptance of this Agreement, the City agrees to execute a certificate (addressed to the party requesting same) within ten (10) days of written request therefore, stating whether or not any amounts are due and owing from **OWNER**, or the then current owner of the property described herein, pursuant to this Agreement.

5. The agreements made herein shall be binding upon, the **OWNER's** successors and assigns and shall expire upon final inspection for initial occupancy of the last building within the development.

6. This agreement shall not be amended, changed or modified without the written consent of the City of North Richland Hills.

Executed this the 25 day of July 2019.

By: Wagih Farag

Printed Name: Wagih Farag

Title: owner

STATE OF TEXAS §

§

COUNTY OF TARRANT §

BEFORE ME, the undersigned authority in and for Tarrant County, Texas, on this day personally appeared Wagih Farag known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the 25th day of July, 2019.

Mark Callier
Notary Public in and for the State of Texas

Mark Callier
Type or Print Notary's Name

My Commission Expires: June 20, 2023

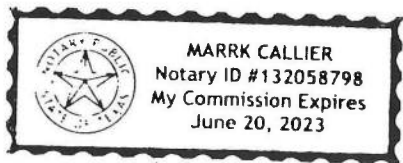







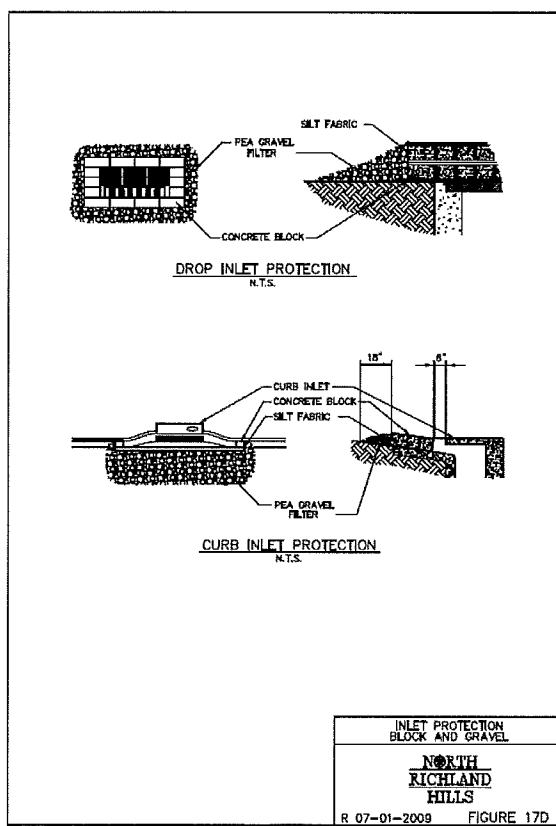
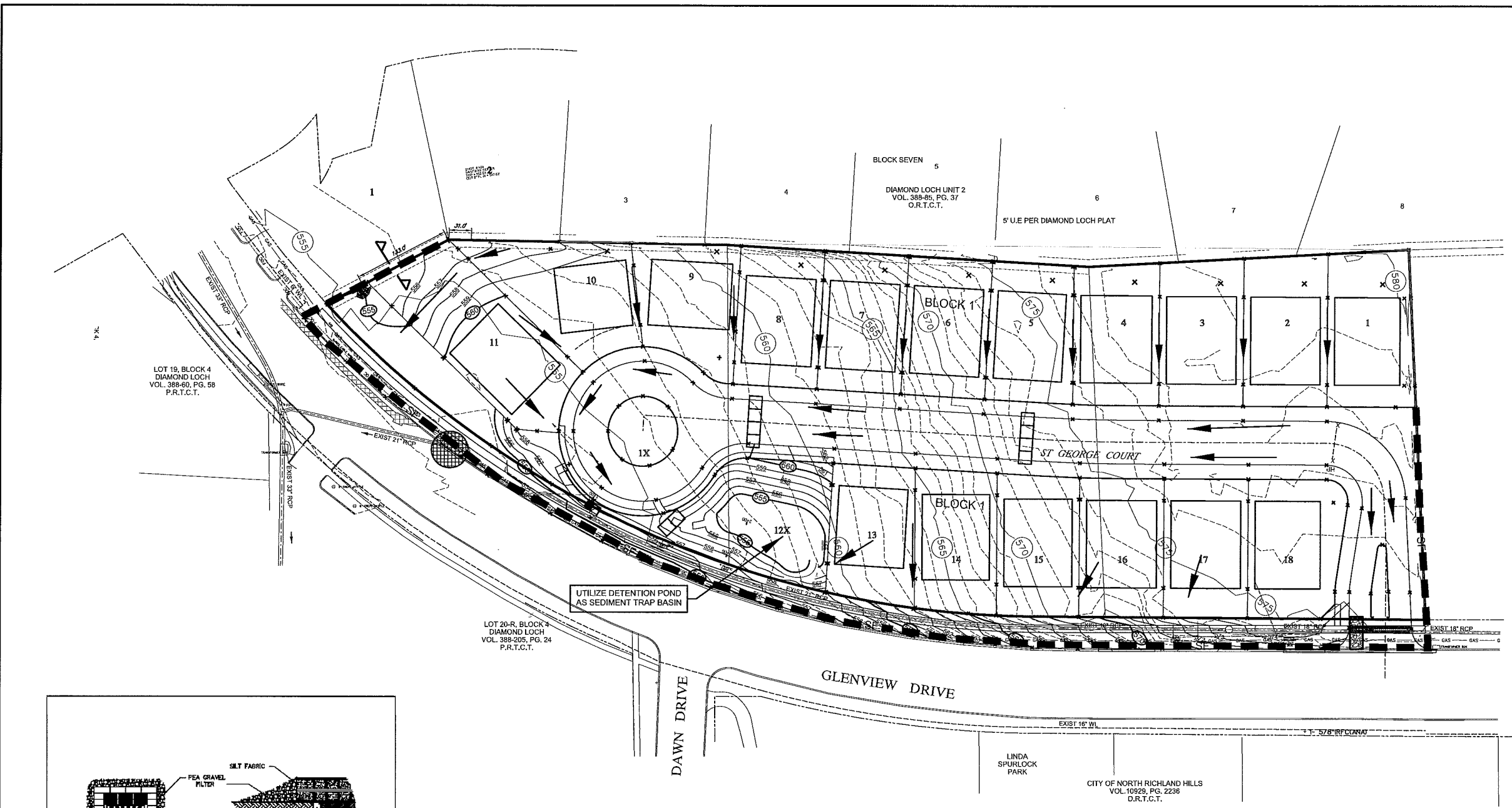
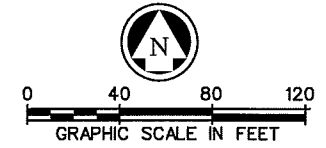
Exhibit “A” Erosion Control Plan

THE LOCATION OF EXISTING FACILITIES SHOWN ON THE PLANS ARE BASED ON PUBLIC RECORDS. CONTRACTOR IS RESPONSIBLE FOR MAKING ARRANGEMENTS WITH EXISTING FACILITY OWNERS TO DETERMINE WHETHER ANY ADDITIONAL FACILITIES MAY BE PRESENT. CONTRACTOR SHALL PRESERVE AND PROTECT ALL UNDERGROUND FACILITIES FOUND. NO SEPARATE PAY.

FACILITY OWNER	TELEPHONE NUMBER
NORTH RICHLAND HILLS PUBLIC WORKS	(817) 427-6440
AT&T	(817) 338-6202
ONCOR ELECTRIC	(817) 215-6214
ATMOS ENERGY	(817) 303-2905
CHARTER COMMUNICATIONS	(817) 298-3625
ALL OTHER FACILITIES	1-800-DIG-TESS

LEGEND

-  SILT FENCE
-  ROCK FILTER DAM (TYPE 1)
-  FLOW ARROW
-  CONSTRUCTION ENTRANCE/EXIT
-  INLET PROTECTION



- NOTES:**
- MEASURES SHOWN ARE FOR GUIDANCE ONLY, SHOULD AT ANY POINT A CITY REPRESENTATIVE DETERMINE THAT THE EROSION CONTROL MEASURE IS NOT PERFORMING AS INTENDED OR ADDITIONAL MEASURES ARE NEEDED, THE CONTRACTOR SHALL INSTALL THE NECESSARY MEASURE AS REQUESTED BY THE CITY AT THE CONTRACTOR'S COST.
 - ONCE ROUGH GRADING IS COMPLETED, THE LOTS ARE TO BE SEEDED AND SILT FENCE INSTALLED AT THE ROW LINE WITHIN 10 CALENDAR DAYS.
 - INFRASTRUCTURES WILL NOT BE ACCEPTED NOR BUILDING PERMITS RELEASED UNTIL THE SITE IS STABILIZED.
 - THE SITE MUST BE AT LEAST 70% STABILIZED PRIOR TO FINAL CITY ACCEPTANCE.
 - LOTS MUST BE SEEDED WITH 21 DAYS OF CESSATION OF GRADING ACTIVITIES. MINOR GRADING SHALL NOT RESTART THE TIME ON THIS REQUIREMENT.
 - CURLEX WITHIN THE RIGHT-OF-WAY AND SILT FENCES ACROSS SIDE YARD SWALES WILL NEED TO BE INSTALLED. THE SILT FENCE WILL NEED TO BE AT THE DOWNSTREAM MOST END OF THE SIDE YARD SWALES.
 - THE DETENTION POND IS TO BE GRADED PRIOR TO ANY OTHER GRADING ACTIVITIES.

STATE OF TEXAS
 OSAMA F. NASHED
 90373
 LICENSED PROFESSIONAL ENGINEER

Osama F. Nashed

A.N.A. CONSULTANTS, LLC
 TBPE REGISTERED FIRM NO. F-20

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY OSAMA F. NASHED, P.E. #90373 ON 6/4/2019

DIAMOND PARK ESTATES

CITY OF NORTH RICHLAND HILLS

EROSION CONTROL PLAN ROUGH GRADING

SUB. CONSULTING ENGINEER	REC. DESIGN ENGINEER
REV. ENGINEER	
DESIGN: ANA	DATE: MAY 2019
DRAWN: ANA	FILE: 16
CHECKED: OFN	

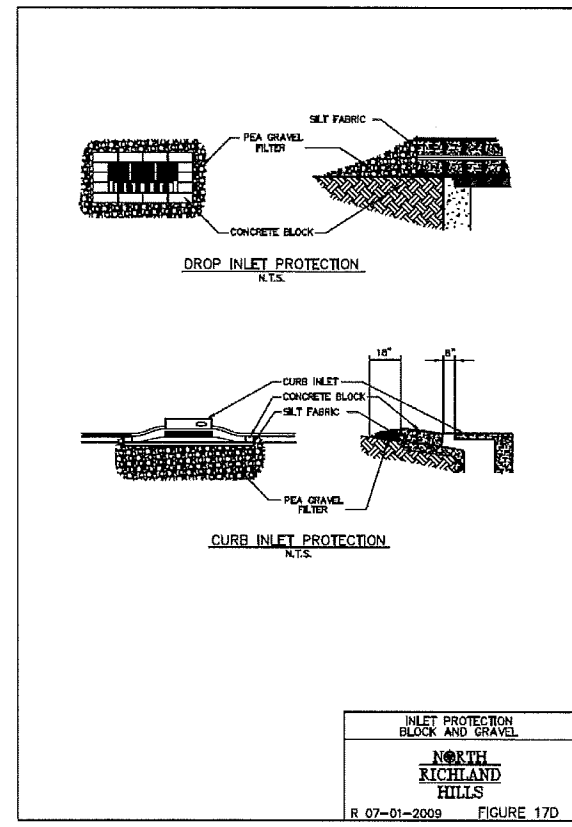
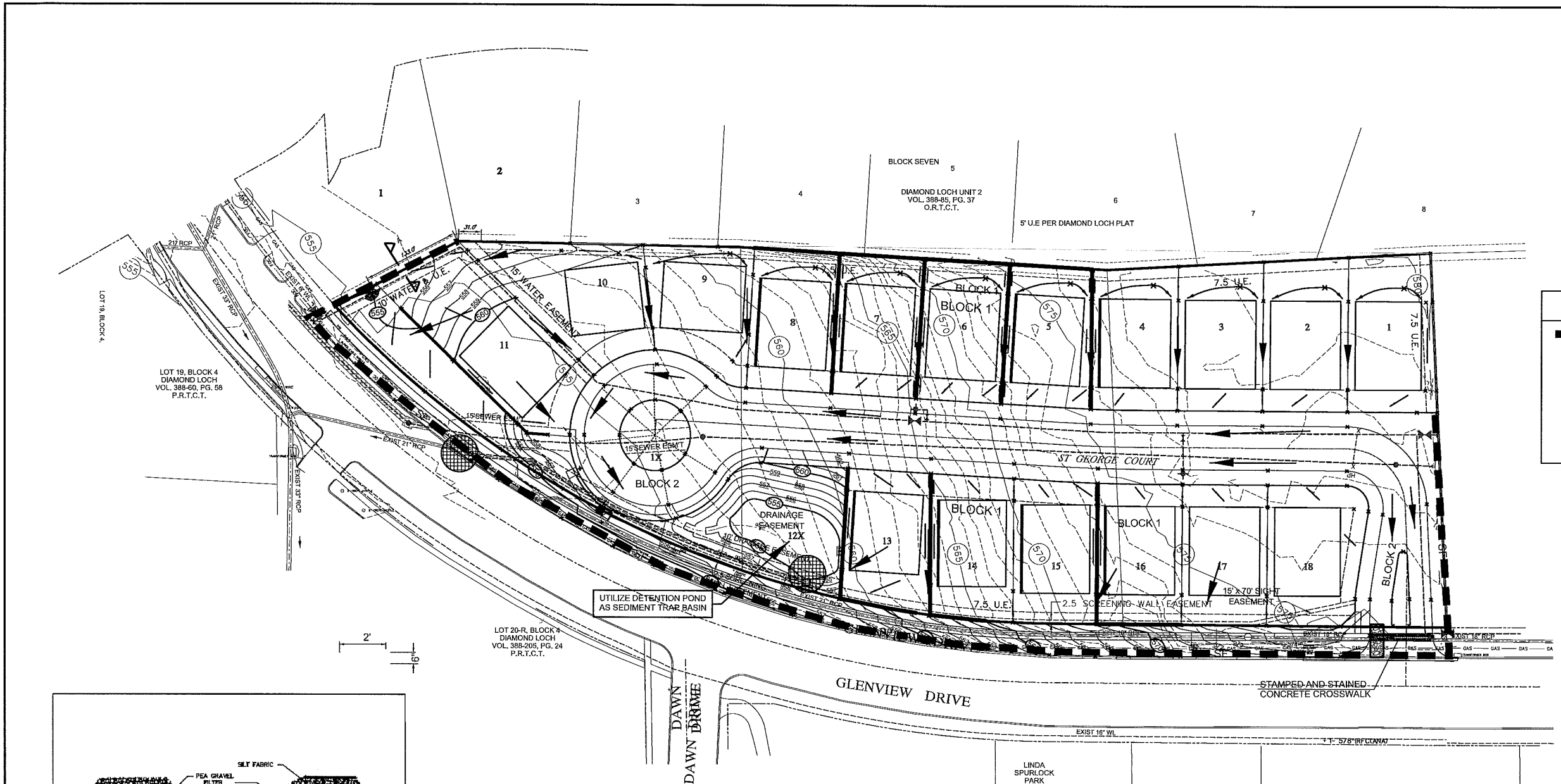
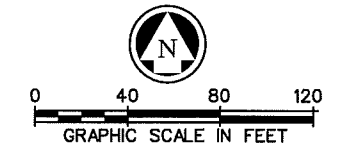
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	SILT FENCE
	ROCK FILTER DAM (TYPE 1)
	FLOW ARROW
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OSAMA F. NASHED
90373
LICENSED PROFESSIONAL ENGINEER
A.N.A. CONSULTANTS, L.L.C.
TBPE REGISTERED FIRM NO. F-20
THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY OSAMA F. NASHED, P.E. #90373 ON 6/14/2019

DIAMOND PARK ESTATES
CITY OF NORTH RICHLAND HILLS
EROSION CONTROL PLAN UTILITIES & PAVING

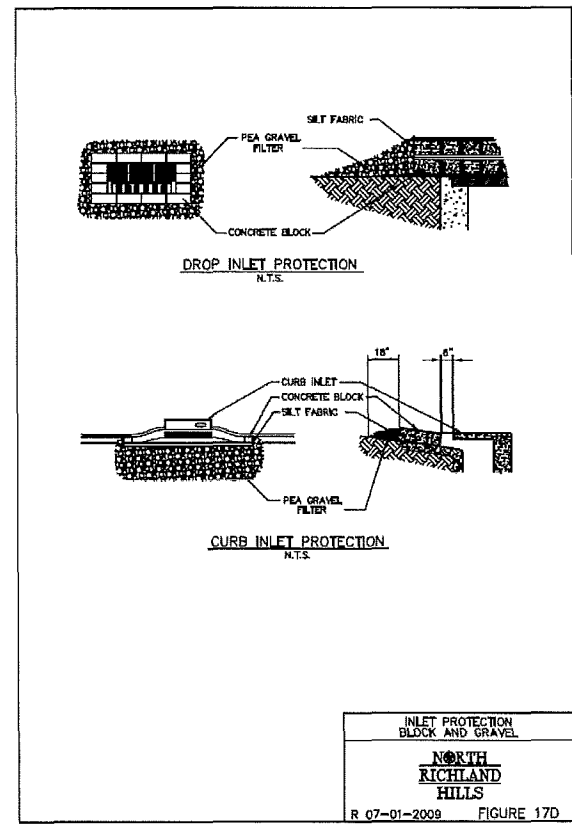
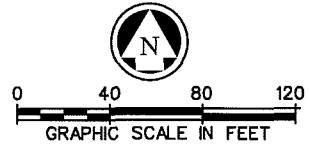
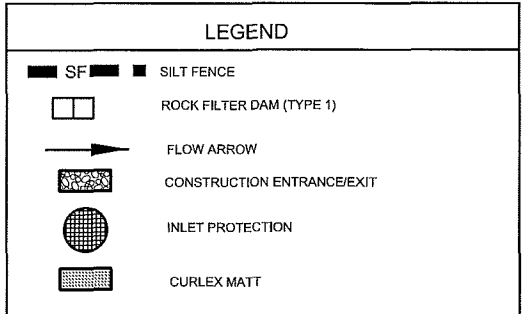
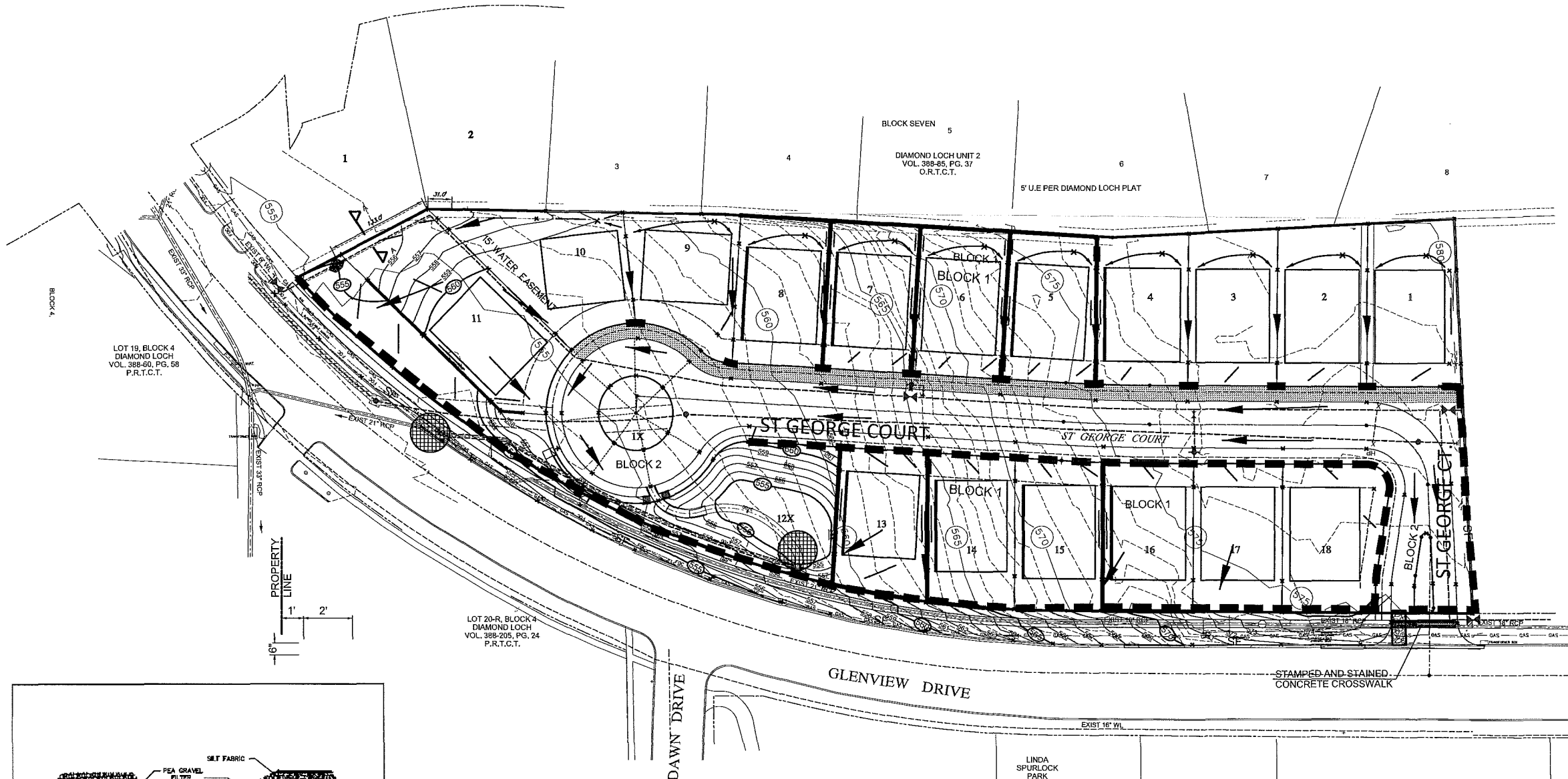
ENGINEERING * SURVEYORS * PLANNERS
8000 THOMPSON TERRACE
COLLEGEVILLE, TX 77048
(817) 382-0000
FACILITY 1846-0008
TYPE FIRM * 02

DESIGN:	DATE:	FILE:	SHEET:
ANA	MAY 2019		17

CHECKED: OFN

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THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY OSAMA F. NASHED, P.E. #90373 ON 6/26/2019

DIAMOND PARK ESTATES			
CITY OF NORTH RICHLAND HILLS			
EROSION CONTROL PLAN FINAL GRADING			
SUB. ENGINEER	REC. ENGINEER		
DESIGN: ANA	DATE: MAY 2019	FILE	SHEET
DRAWN: ANA			18
CHECKED: OFN			