

STORM WATER CONTROL FACILITY MAINTENANCE AGREEMENT

This Storm Water Control Facility Maintenance Agreement ("Agreement"), dated as of ~~August 11~~ ^{May 22}, 2019, is entered into by Camp-Roll, LLC with an address of ~~5500 Main Street, Suite 343~~, ^{6490 Main St., Suite 100} Williamsville, NY 14221 ("Owner").

Whereas, the Owner is the owner of certain real property located on Campbell Boulevard in the Town of Pendleton, Niagara County, NY which is more particularly described in Schedule A attached ("Premises"), upon which Premises the Owner intends to develop a 50-lot residential subdivision commonly known as Meadows at Pendleton North Subdivision ("Project"); and

Whereas, the Owner has submitted to the Town of Pendleton, NY a request to create a new Storm Water District for the Project which includes the commitment by the Town to inspect and maintain the Storm Water Control Facilities as described in the plans approved; and

Whereas, the Owner and the District desire that the storm water control measures depicted in the plans, which include, without limitation, drainage ditches, pipes, catch basins, manholes, pre-treatment structures, and retention ponds (collectively, the "Storm Water Control Measures") be constructed in accordance with the plans, and thereafter be inspected, maintained, cleaned, repaired, replaced, and continued in perpetuity as set forth in the plans to ensure optimum performance of such Storm Water Control Measures.

Now, therefore, the Owner agrees as follows:

1. This agreement binds the Owner, his successor and assigns, to the construction of the Storm Water Control Measures as depicted in the plans.
2. The Town of Pendleton Storm Water District as established for this Project ("SWD") shall maintain, clean, repair, replace, and continue the Storm Water Control Measure as and when necessary to ensure the optimum performance thereof to design specifications.
3. The Town of Pendleton SWD shall be responsible for all expenses related to the re-construction and maintenance of the Storm Water Control Measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The Town of Pendleton SWD shall provide for the periodic inspections of Storm Water Control Measures, not less than once in every five (5) year period, to determine the condition and integrity of the Storm Water Control Measures. Such inspection shall be performed by a professional engineer licensed in the State of New York. The Town of Pendleton SWD shall cause such engineer to prepare and submit to the Town, within thirty (30) days after each inspection, a written report of the findings, including recommendations of actions necessary for the continuation and optimum performance of the Storm Water Control Measures.
5. The Town of Pendleton SWD shall not authorize, undertake, or permit the alteration, abandonment, modification, or discontinuance of the Storm Water Control Measures without written approval of the Town.
6. The Town of Pendleton SWD shall undertake all necessary repairs and replacements of the Storm Water Control Measures as may be recommended by the engineer referred to in Section 4 above.
7. If required by the District, this Agreement shall be recorded in the Office of the Clerk of Niagara County, NY.

8. This Agreement is made for the sole benefit of the Town of Pendleton SWD and creates no rights in any other party, including, without limitation, other landowners and other governmental agencies. There are no third-party beneficiaries of this Agreement. The rights of the SWD under this Agreement may be exercised only by the SWD and may not be assigned to any other party.

In Witness Whereof, the undersigned have executed this Agreement effective as of August ^{May 11, 22} 11, 2019.



Paul Bliss, Managing Member
Camp-Roll, LLC

STATE OF NEW YORK
COUNTY OF Erie

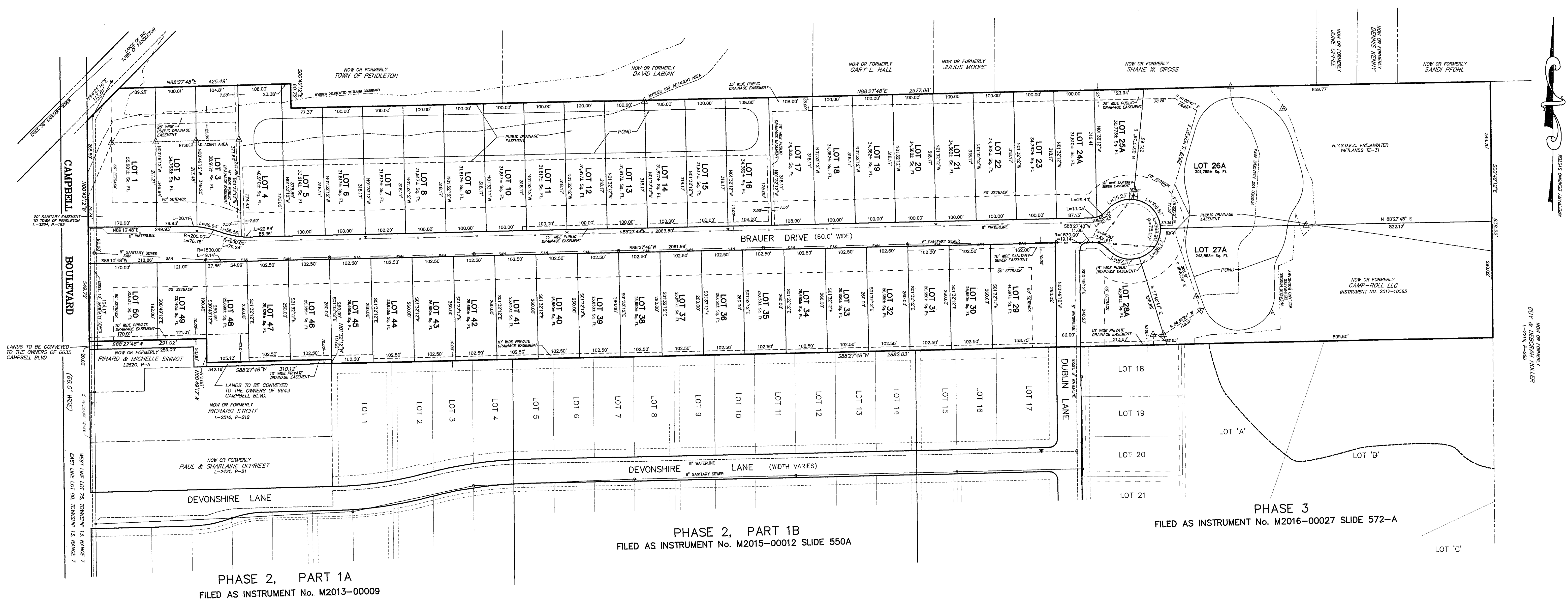
On the ^{11th} day of ~~August, 2019~~ ^{May, 2022}, before me, the undersigned, personally appeared Paul Bliss in his capacity as Managing Member of Camp-Roll, LLC, known to me and acknowledged that he executed this instrument on behalf of the Owner.



Notary Public

S. BONNIE LITZ
Notary Public, State of New York
Registration #01LI5025894
Qualified In Erie County
Commission Expires April 4, ²⁰²⁶

SCHEDULE A



PHASE 2, PART 1A
FILED AS INSTRUMENT No. M2013-00009

PHASE 2, PART 1B
FILED AS INSTRUMENT No. M2015-00012 SLIDE 550A

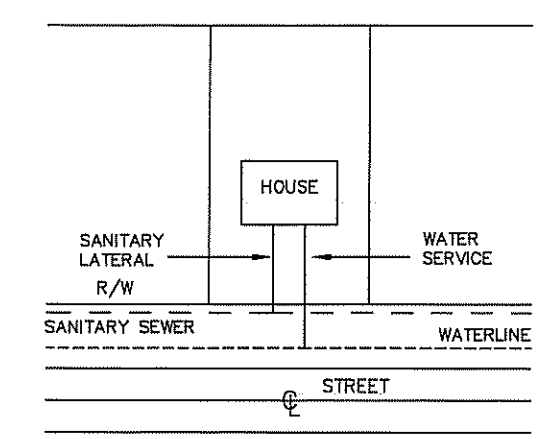
PHASE 3
FILED AS INSTRUMENT No. M2016-00027 SLIDE 572-A

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M2022-00001
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Page 1 of 1
MAP
Joseph A. Jastrzemski, Niagara County Clerk
Clerk BH

ORIGINAL RECORDED
JAN 10 2022
JOSEPH A. JASTRZEMSKI
NIAGARA COUNTY CLERK

THIS SUBDIVISION MAP AMENDS AND SUPERSEDES THE SUBDIVISION MAP OF THE MEADOWS AT PENDLETON NORTH FILED IN THE NIAGARA COUNTY CLERK'S OFFICE AS INSTRUMENT No. M2020-00018 SLIDE 620-A ON MAY 28, 2020
AMENDED SUB LOTS 24, 25, 26, 27 & 28
NEW SUB LOTS 24A, 25A, 26A, 27A & 28A

SANITARY SEWER FACILITIES, EXISTING AND PROPOSED, AND WATER SUPPLY FACILITIES, EXISTING AND PROPOSED, SHOWN ON THIS SUBDIVISION MAP ARE FOR THE PURPOSE OF COMPLIANCE WITH NEW YORK STATE REALTY SUBDIVISION LAW. G.P.I. ENGINEERING LANDSCAPE ARCHITECTURE AND SURVEYING, LLP, ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF SANITARY SEWER AND WATER FACILITIES SHOWN ON THIS MAP OR FOR THE APPROVAL, CONSTRUCTION OR ACCEPTANCE BY APPROPRIATE GOVERNMENT AGENCIES OF SAID FACILITIES.



NOTE:
ALL IMPROVEMENTS WILL BE INSTALLED UNDER TOWN PERMITS WITH ALL PLANS CONSISTENT WITH PRELIMINARY PLAT.
THE PUBLIC DRAINAGE EASEMENTS SHOWN ON THIS SUBDIVISION MAP SHALL BE GRANTED TO THE TOWN OF PENDLETON. THE RESPONSIBILITY OF THE TOWN OF PENDLETON SHALL BE LIMITED TO STORM PURPOSES ONLY AND SHALL NOT INCLUDE BANK STABILIZATION, AESTHETIC CONSIDERATIONS OR EROSION OR SILTING ELIMINATION AT DETENTION FACILITIES.
SANITARY SEWER EASEMENTS SHOWN ON THIS SUBDIVISION MAP ARE TO BE GRANTED TO THE TOWN OF PENDLETON.

Δ INDICATES MONUMENT TO BE SET WHERE LOT LINES INTERSECT THE EDGE OF N.Y.S.D.E.C. FRESHWATER WETLANDS ADJACENT AREA (100 FOOT WIDE BUFFER) AND ADDITIONAL AREAS AS SHOWN.

NORTH SUBDIVISION AREA: 51.12 ± Acres
CURRENT OWNER: CAMP-ROLL LLC

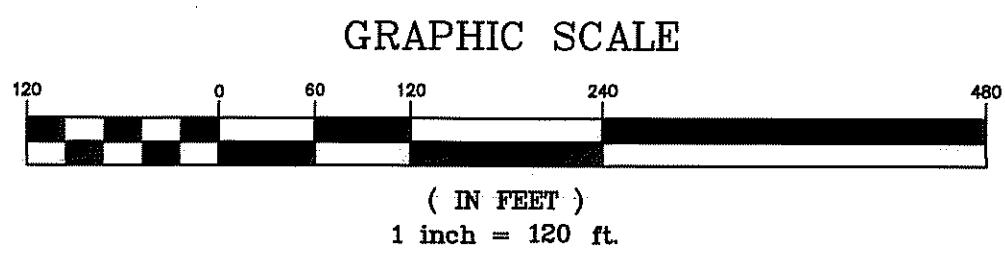
OWNER'S CONSENT FOR FILING:
DATE: 12/21/21

APPROVED BY THE TOWN OF PENDLETON ENGINEER:
DATE: 12/23/21

APPROVED BY THE TOWN OF PENDLETON PLANNING BOARD:
DATE: 1/10/22

FILED IN THE NIAGARA COUNTY CLERK'S OFFICE AS INSTRUMENT No.: M2022-00001
DATE: 1-10-2022

NIAGARA COUNTY DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH
This is to certify that the proposed arrangements for water supply and sewage disposal for this realty subdivision in accordance with plans on file in the office of the Niagara County Department of Health are hereby approved. Consent is hereby given to the filing of the map on which this endorsement appears in the office of the Niagara County Clerk in accordance with the provisions of (PBI) Article 11, Title II, & 1117 of the Public Health Law.
Commissioner of Health/Public Health Director
Log # RS-742 By D.S.O. D.D. PE Date 1/4/22



SUBDIVISION MAP OF
AMENDED SUBLOTS 24 THRU 28
The Meadows at Pendleton
North Subdivision
TOWN OF PENDLETON, NIAGARA COUNTY, NEW YORK
BEING PART OF LOT 75, TOWNSHIP 13, RANGE 7, HOLLAND LAND SURVEY

NOTE:
PURSUANT TO CHAPTER 606 OF THE LAWS OF 1981, I CERTIFY THAT THIS SUBDIVISION MAP WAS PREPARED UNDER MY DIRECTION AND THE OUTREMBURSE SURVEY OF THE PREMISES CONTAINED WITHIN SAID SUBDIVISION WAS PREPARED UNDER MY DIRECTION AND IS SHOWN ON MY SURVEY DATED JUNE 5, 2016.
MARK A. ANDREWS, L.S.
SUPERVISOR OF LAND SURVEYING

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