EROSION AND SEDIMENT CONTROL AGREEMENT

THIS AGREEMENT made and entered this ____ day of _____ 20___, by and between _____ and _____, husband and wife/a single person, hereinafter referred to as "OWNER" and the City of Saint Peter, a municipal corporation under the laws of the State of Minnesota, hereinafter referred to as "CITY".

WHEREAS, OWNER is the owner of real property located at _____, St. Peter, MN. 56082, real estate tax parcel number____._____._____ legally described as follows:_____

WHEREAS, OWNER has applied for a building permit which building permit requires the OWNER to provide for erosion and sediment control;

WHEREAS, Saint Peter City Ordinance No.371, requires the OWNER to provide for erosion and sediment control throughout the course of the permit;

WHEREAS, Saint Peter City Ordinance No. 371, requires the OWNER to secure the performance of the erosion and sediment control with a $3,000.00 bond to secure the CITY'S erosion and sediment control standards;

WHEREAS, the CITY has established a policy which allows OWNERS to execute an assessment against their property in lieu of posting of a $3,000.00 bond;

WHEREAS, the OWNER wishes to accept the CITY'S offer of assessment;

WHEREAS, in consideration of the CITY'S acceptance of the waiver of assessment agreement rather than requiring the OWNER to post a $3,000.00 bond, the OWNER waives its rights, pursuant to Minnesota Statute Chapter 429, to notice of hearing and objection to the amount of the assessment;

WHEREAS, the OWNER agrees to comply with erosion and sediment control requirements as set forth in the CITY'S permit;

WHEREAS, in the event the OWNER fails to comply with the erosion and sediment control requirements as set forth by the CITY and the CITY is required to bring the OWNER'S project into compliance with the erosion and sediment control requirements, the CITY will retain a contractor or will, with CITY labor, complete the corrections required to complete the project:

WHEREAS, in the event the CITY is required to make the corrections, the OWNER agrees to pay the CITY the costs the CITY incurred to make the correction through the levy of an assessment on the benefited property, payable over a five (5) year period at an interest rate not to exceed eight percent (8%). The cost of the assessment shall be taxable cost of bringing the project into compliance which shall not exceed $3,000.00.

NOW, THEREFORE, be it hereby agreed between the parties hereto that:

1. OWNER will comply with the erosion and sediment control requirements as set forth in the building permit and City Ordinances.
2. In the event OWNER fails to comply with the erosion and sediment control requirements as set forth in the permit and City Ordinances and the CITY is required to complete or correct the erosion and sediment control on the property and the permitted right-of-way adjacent to the property, the OWNER will pay all costs to repair, replace, and correct the erosion and sediment control on the property and in the permitted right-of-way of the full project. Payment shall be made upon completion of the project or alternatively through special assessments levied against OWNER'S property in accordance with Minnesota Statute Chapter 429.
3. OWNER waives his rights pursuant to Minnesota Statutes Chapter 429, to notice of a hearing and objection to the amount of the assessment
4. CITY will assess OWNER'S property pursuant to Minnesota Chapter 429.

IN WITNESS WHEREOF, the parties hereto have set their hands this day and year first written above.

PROPERTY OWNER

BY: _____ _____

CITY OF SAINT PETER

BY: _____ _____

Chuck Zieman – Mayor Todd Prafke - City Administrator