



Checklist to Properly Fill Out A Stormwater Device Surety Agreement

Page 1

First paragraph

1. Enter the associated Pin number for Site Property Records.
2. The “developer” refers to the actual property owner who is referenced on the most current deed. The developer’s information, if any other entity except an individual, should match what is shown on the Secretary of State (SoS) website, at: <https://www.sosnc.gov/search/index/corp>
3. The “contractor’s” information, if any other entity except an individual, should match exactly what is shown on the SoS website.

“Witnesseth” section

4. Input the book and page of the Wake County recorded deed, please double check your numbers by going to: <http://services.wakegov.com/booksweb/genextsearch.aspx>
5. Input the book of maps number and page number.
 - a. If there is no book of maps number or page number **showing the newest development**, you will need to attach an 8.5x11 plan sheet showing the “limits of disturbance” to the agreement as an appendix.
6. Input the development file number, if known.
7. Input the transaction number MASS - ##### - 2000 or SPR - ##### - 2000.

Page 2

1. In the first full paragraph, enter the dollar value associated with the construction estimate for the Stormwater Device(s). Please refer to your plan reviewer to check if your values coincide with expected values.
2. Denote the corresponding payment type.
3. Enter the “multiplied” dollar amount corresponding to 1.25 times the construction estimate. The security value should be 1.25 times the value from the top of page 2.

Ex.) Construction estimate for a dry pond: \$10,000

Security = Construction Estimate x 1.25

\$ ____ = \$10,000 x 1.25

Therefore **\$12,500** should be the value at the bottom of page 2.

Page 3

1. Enter contact information for the developer. Anyone can be the contact, but the developer will need to be listed as the same from page 1.

2. Enter contact information for the contractor. Anyone can be the contact, but the contractor will need to be listed as the same from page 1.

Page 4

1. The most recent version of this form should show ten clauses on this page.

Page 5

Persons authorized to sign for both developer and contractor (use for each):

1. If the developer or contractor is a:

- a. **Corporation, Corp., Inc., or Ltd. Professional Corporate designated PA or PC**

There are two options for the appropriate authorization:

- i. An authorized “corporate officer,” such as a President, Vice-President, Charmain, CEO, CFO, and Treasurer, signs with title as listed on the SoS website.*
- ii. A second corporate officer signs the “attest,” to attest with the corporate seal, with title as listed on the SoS website.*
- iii. You do not need to complete an “Acknowledgement” (on pages 7 and 8).

OR

- iv. A sole corporate officer signs, with title as listed on the SoS website.*
- v. You do not need to fill out an “attest” on page 5.
- vi. The same sole corporate officer fills out the “Corporate Acknowledgement” at the bottom of page 7, with title as listed on the SoS website.*

- b. **Individual**

- i. The individual must sign on page 5.
- ii. You do not need to fill out an “attest” on page 5.
- iii. The individual must fill out an “Individual Acknowledgement” with a notary public on page 7.

- c. **Partnership**

- i. A general partner must sign on page 5.
- ii. You do not need to fill out an “attest” on page 5.
- iii. The general partner must fill out a “Partnership Acknowledgement” with a notary public on page 8.

- d. **Limited Liability Company (LLC)**

- i. A “Manager” or “Managing Member” must sign on page 5, with title as listed on the SoS website.*
- ii. You do not need to fill out an “attest” on page 5.
- iii. The “Manager” or “Managing Member” must fill out an “LLC Company Acknowledgement” on page 8, with title as listed on the SoS website.*

- e. **Other Legal Entity**

- i. Chief Officer must sign indicating capacity.
- ii. A notary acknowledgement must be completed indicating authority for officer to sign for entity.

- iii. For unusual or unfamiliar entities, such as private associations, trusts, churches, or businesses from outside of North Carolina, you may want to contact the City Attorney's Office prior to routing to determine if the form of execution meets City standards.

*If they are not listed on the SoS website, authority may be substantiated by attaching evidence of authority, such as certifying letters, board minutes, charters & by-laws, or other certifications of authority. An email is insufficient authority.

Page 9

"Exhibit A":

1. Enter the stormwater device type(s).
Ex. - Dry pond
 - Level spreader with filter strip

Page 10

"Exhibit B":

1. The total dollar amount should reflect the value from the top of page 2. List construction/item costs for each device and the sum for all devices.

Page 11

"Exhibit C":

1. List the lot(s) for each stormwater device.

Once a first draft is completed, feel free to send it in prior to submittal of the original.

Original documents are required for routing and execution.

END

Let us know if you have any questions.

Thank you,
City of Raleigh