

**City of Fremont Instructions for Completing the Stormwater Management Measures  
Operations & Maintenance Agreement (O&M Agreement)**

1. Provide the initial submittal of the O&M Agreement Word format.
2. Do not sign and notarize the Agreement until the City has reviewed and approved the document.
3. Do not alter the language of the template Agreement.
4. Ensure that the Agreement is properly paginated.
5. Complete the main Agreement as follows:
  - Fill in the blank spaces at the top of the 1<sup>st</sup> page (PLN, BLD, tract/parcel #, property address and/or subdivision name, and APN). If not applicable, mark the space N/A.
  - Leave the date in the opening paragraph blank. The Agreement will be dated by the City when all signatures are obtained (including City signatures).
  - Insert the name of the property owner and type of legal entity in the opening paragraph on page 1. Report the property owner precisely as it is shown on the title report.
  - Insert the Project name and PLN/BLD/Tract# in Section 5 of the Definitions.
  - Insert the Property Owner/s name in Section 7 of the Definitions.
  - Format signature block on page 7 according to the type of legal entity that owns the property. Make sure that the legal entity for the property owner exactly matches the property owner name in the opening paragraph of the agreement.
  - Provide the name/s and title/s of the property owner representative/s who will sign agreement. Also provide signature authority (e.g. Corporate Resolution) for the signature/s. Signature name/s and title/s should provided on the Agreement should exactly match the signature authority.
6. Complete **Exhibit A**, the legal description of the property as follows:
  - Tract or parcel maps: use Alameda County Recorder' Office map book pages.
  - Single lots: use complete legal description.
7. After the City staff have approved the Agreement, Provide 1 original, notarized Agreement to the City (via mail to the address below), and one signed PDF version. Photocopied documents will be rejected. Follow the City of Fremont signatory guidelines (attached).

Development Services Center  
39550 Liberty Street  
Fremont, CA 94538  
Attention: Environmental Services Division



## **SIGNATURE REQUIREMENTS**

When signing documents, it is important that they be properly executed to guarantee their validity and recordation. The following procedures must be followed for all documents processed by the City of Fremont such as: Subdivision Maps, Grants of Easements, Grant Deeds, Agreements, Bonds, etc.

- I. **FOR ALL SIGNATURES.** The name and title of the signer should be typed or printed beneath the signature. The name must be signed exactly as it is typed or printed.
- II. **SIGNATURES FOR INDIVIDUALS.** The name must be signed exactly as it is printed or typed. The signer's title or interest in the property (e.g. "owner") must be stated.
- III. **SIGNATURES FOR PARTNERSHIPS.** The signing party must be either a general partner or be authorized in writing to have the authority to sign for and bind the partnership.
- IV. **SIGNATURES FOR CORPORATIONS.** Authorization to sign contracts and other documents on behalf of the corporation must be demonstrated by the following method:  

(Notarized Officer Signature). Authorization may be shown by the signature of either the corporation's president, vice president, secretary, or assistant secretary accompanied by a notary acknowledgment in the form prescribed by Civil Code §1189. (ref. Civil Code §1190)
- V. **SIGNATURES FOR LIMITED LIABILITY COMPANIES (LLC's).** Authorization must be demonstrated by providing the portion of the operating agreement authorizing the person signing the instrument to execute instruments of the type in question, and if the LLC does not have an operating agreement, then by providing the articles of incorporation for review by the CAO. (ref. Corp Code §§17151, 17154, 17157.)
- VI. **MAPS AND DOCUMENTS TO BE RECORDED.** For maps and documents to be recorded, including all transactions affecting title to real property, all signatures must be properly notarized and accompanied by a certificate of acknowledgement in the form prescribed by Civil Code section 1189. (ref. Gov't Code §§ 27287, 66436, 66439, 66447) The names and titles of the people signing the documents must be listed on the notary flag.
- VII. **CHANGES.** Should any changes be made to the document once signed, the changes must be initialed by all parties signing the document. Obliteration of any type will not be acceptable.