

(C) (1) WHETHER THE FLOODPROOFING FACILITY IS CONSTRUCTED BY THE PROPERTY OWNER OR HIS AGENT OR BY THE COMMISSION UNDER CONTRACT, THE PROPERTY OWNER SHALL AGREE IN WRITING TO HOLD HARMLESS THE COMMISSION FROM LIABILITY FROM ANY AND ALL DAMAGES THAT MAY RESULT FROM OR BE CAUSED BY:

(I) THE CONSTRUCTION, MAINTENANCE, AND OPERATION BY THE PROPERTY OWNER OF THE FLOODPROOFING FACILITY;

(II) THE FAILURE OF THE FLOODPROOFING FACILITY TO OPERATE AS PLANNED OR DESIGNED; OR

(III) THE FAILURE OF THE PROPERTY OWNER TO PROPERLY MAINTAIN AND OPERATE THE FLOODPROOFING FACILITY.

(2) THE AGREEMENT SHALL:

(I) RUN WITH THE LAND;

(II) BE RECORDED AMONG THE LAND RECORDS OF THE COUNTY IN WHICH THE LAND IS SITUATED;

(III) PROVIDE THAT THE PROPERTY OWNER ACCEPTS FULL RESPONSIBILITY AND LIABILITY FOR MAINTENANCE AND OPERATION OF THE FLOODPROOFING FACILITY ON THE PROPERTY AT NO FURTHER COST OR EXPENSE TO THE COMMISSION.

(D) (1) ALL COMMISSION FUNDS EXPENDED BY THE COMMISSION FOR FLOODPROOFING FACILITIES UNDER THIS SECTION SHALL BE A PART OF THE COMMISSION'S GENERAL STORM DRAINAGE BONDING AUTHORITY AS PROVIDED IN CHAPTER 4 OF THIS ARTICLE.

(2) PAYMENT OF THE BONDS SHALL BE IN ACCORDANCE WITH § 3-11(H) OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1981.

Approved May 19, 1981.

CHAPTER 701

(House Bill 1662)

AN ACT concerning

Prince George's County - Washington Suburban Sanitary Commission - Flood Control Facilities - Financing
MC/PG 26-81