



Village of Menomonee Falls
W156 N8480 Pilgrim Road
Menomonee Falls, WI 53051-3140
Telephone: (262) 532-4200 Fax: (262) 532-4219

January 4, 2006

Weimer Bearing & Transmission, Inc.
C/o Campbell Drive, LLC
W134 N5368 Campbell Drive
Menomonee Falls, WI 53051

Attn: Frank Stangl

Re: Stormwater Facilities Operation, Inspection & Maintenance Agreement
Weimer Bearing & Transmission, Inc.
Tax Key Nos. 0142.999.010

Dear Mr. Stangl,

Please find enclosed a signed copy and the recorded copy of the Stormwater Facilities Operation, Inspection & Maintenance Agreement for Weimer Bearing & Transmission on Campbell Drive for your records. It contains recording information showing proof of recording by the Waukesha County Register of Deeds.

Also, please find enclosed Invoice #ES-031 for the recording fees. Please make your check payable to the **Village of Menomonee Falls**.

Should you have any questions or require additional information, please do not hesitate to contact either Jon Bretl at (262) 532-4414 or myself at (262) 532-4418.

Sincerely,
VILLAGE OF MENOMONEE FALLS

Linda I. Losiniecki
Linda I. Losiniecki
Administrative Assistant III

kwiktag® 012 773 919



Enclosures

Cc: Arlyn R. Johnson, Director of Engineering Services
Jonathan M. Bretl, Civil Engineer I
Dave Bate, Financial Services
Easement/Acquisition File
Vault

001273 NOV 17 2005



WC3338458-013

STORMWATER FACILITIES
OPERATION, INSPECTION &
MAINTENANCE AGREEMENT

DOCUMENT TITLE

3338458

REGISTER'S OFFICE
WAUKESHA COUNTY, WI
RECORDED ON

11-17-2005 12:20 PM

MICHAEL J. HASSLINGER
REGISTER OF DEEDS

REC. FEE: 28.00
REC. FEE-CO: 5.00
REC. FEE-ST: 2.00
TRAN. FEE:
TRAN. FEE-STATE:
PAGES: 13

Recording Data

Return to:

Village of Menomonee Falls
Engineering Services
W156 N8480 Pilgrim Road
Menomonee Falls, WI 53051

Weimer Bearing & Transmission, Inc.
C/o Campbell Drive, LLC

Tax Key No. MNFV 142.999.010

MNFV
351 B
CH16

000274 NOV 18

STORMWATER FACILITIES OPERATION, INSPECTION, & MAINTENANCE AGREEMENT

Village of Menomonee Falls

THIS AGREEMENT is between (Insert Full Name of Owner) **Weimer Bearing and Transmission, Inc.** (the "Property Owner"), and the Village of Menomonee Falls, (the "Village"). It is based upon the following:

- A. The Property Owner is the owner of certain real property (the "Property") located in the Village of Menomonee Falls, and which is further described as Parcel 1 of Certified Survey Map 4674 as recorded by deed in the land records of Waukesha County, Document Number 1286084, Volume 37, Pages 285 to 290 as shown in **Exhibit "A"**.
- B. The Property Owner intends to develop the Property pursuant to a Site Plan approved by the Village and known as the plan (the "Plan") as shown in **Exhibit "B"**.
- C. The health, safety, and welfare of the residents of Menomonee Falls, Wisconsin, require that on-site Stormwater Management Facilities be provided on the Property.
- D. The Plan provides for the construction of any detention basin, retention basin, outlet structures, inlet structures, storm sewer, underground storage facility, swales, berms or any structure and grading associated with stormwater management (the "Stormwater Management Facilities") within the confines of the Property.
- E. The Village requires that on-site Stormwater Management Facilities as shown on the Plan be constructed, operated and adequately maintained by the Property Owner.

NOW, THEREFORE, based on the above, the parties agree as follows:

1. The on-site Stormwater Management Facilities shall comply with the policy outlined in the Village "Stormwater Management Guidelines," and shall be constructed by the Property Owner in compliance with Village approved plans and specifications identified in the Plan.
2. Upon completion of the project, The Property Owner shall supply the Village with complete set of construction as-built drawings in ink on standard size mylar, and in AutoCAD format (*.DWG) on computer disk or CD of the Stormwater Management Facilities within thirty (30) days of completion of the project. The as-built plan will be used by the Village to determine if the Stormwater Management Facilities are constructed according to the Village approved plans. The Stormwater Management Facilities will be accepted only after the Village approves the as-built plans.
3. The Property owner shall not construct, place or allow or suffer the construction or placement of structures within the Stormwater Management Facilities that affect the operation of the facilities; or that alter the elevations and slopes from those designed, established and constructed; without the specific written approval of the Village.
4. The Property Owner shall submit a landscape proposal and diagram with vegetation types to the Village prior to planting trees or shrubs in the Stormwater Management Facilities. The Village shall have the right to determine which species of trees and shrubs are appropriate for planting within the Stormwater Management Facilities. The Property Owner shall not plant shrubs or trees in the Stormwater Management Facilities unless approved by the Village.
5. The Property Owner shall adequately maintain the Stormwater Management Facilities. Adequate maintenance is defined as good working condition so that these facilities are performing their design functions. The Property Owner must inspect the Stormwater Management Facilities within 24 hours of any major rain event.

6. The Property Owner shall hire a licensed professional engineer to inspect the Stormwater Management Facilities every (5) five years and submit an inspection report to the Village as proof of compliance. The Village approved Biannual Inspection Report form shall be used to determine the condition of the facilities. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection shall cover the entire facility such as berms, outlet structure, pond areas, access roads, etc. The conditions shall be noted in the inspection report.
7. The Property Owner will perform or otherwise be responsible for any work necessary to keep the Stormwater Management Facilities in good working order . This obligation includes making all the necessary repairs and/or improvements to correct damages, both natural and man made; and to resolve any citizen complaints. If deficiencies or damages are noted in the inspection report provided to the Village under ¶6 or if complaints are reported to the Village, the Property Owner has thirty (30) days from the date of the report or complaint to take appropriate measures to correct any deficiencies or damages and respond to citizen complaints.
8. The Property Owner hereby grants permission to the Village, its authorized agents and employees, to enter upon the Property and to inspect the Stormwater Management Facilities whenever the Village deems necessary.
9. If the Property Owner fails to inspect the Stormwater Management Facilities as required, or maintain the Stormwater Management Facilities in good working condition acceptable to the Village and make all the necessary repairs and/or improvements to correct damages, both natural and man made, and to resolve any complaints, the Village, upon thirty (30) days written notice to the Property Owner, may enter upon the Property and take whatever steps necessary to correct deficiencies. In addition, if the Village performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Village shall be empowered without notice of public hearing, to impose a special charge for the cost of said work upon the Property Owner payable at the next succeeding tax bill.
10. This Agreement imposes no liability of any kind whatsoever on the Village. The Property Owner agrees to hold harmless the Village, its board members, employees, agents, and officers from any costs, damages, loss, claim, suit, liability or award which may arise, come, be brought or incurred or assessed because of the existence of, any action or failure to act with respect to the storm water facilities on the Property or because of any adverse effect upon any person or property related or alleged to be related to the storm water detention basins from any liability if the Stormwater Management Facilities fail to operate properly. The Village shall have the right to defend any such claim and the Property Owner shall reimburse the Village for any and all cost and/or expenses, including but not limited to attorney's fees, which the Village may incur as a result of such claims.
11. This Agreement shall become effective as of the date it is approved by the Village or executed by the Property Owner, whichever is later.
12. By signing below, the person signing on behalf of the Property Owner represents that he has authority to act on behalf of the Property Owner, and has authority to sign this Agreement on the Property Owner's behalf.
13. This Agreement shall be recorded With the Register of Deeds Waukesha County, Wisconsin, and shall constitute a covenant running with the land, and shall be binding on both parties, their successors or assigns.

101276 NOV 2005

IN WITNESS WHEREOF, Weimer Bearing and Transmission, Inc. has caused this Agreement to be signed this
3rd day of NOVEMBER, 2005.

By: Frank E. Stangl

Frank E. Stangl, Vice President



Personally came before me this 3rd day of NOVEMBER 2005, the above named Frank E. Stangl to me known to be the person who executed the foregoing instrument in his respective official capacity as Vice President of said corporation, and acknowledged that he executed the foregoing instrument as a corporate officer as the deed of said Corporation by its authority.

Julie A. Brown

Notary Public

WAUKESHA County, Wisconsin

My Commission Expires on APRIL 29, 2007

IN WITNESS WHEREOF, the said Village of Menomonee Falls, a Wisconsin Municipal Corporation, has caused these presents to be signed by Richard A. Rechlicz, its Village President, and Countersigned by Richard A. Farrenkopf, its Village Clerk at Menomonee Falls, Wisconsin, this 7th day of November, 2005.

VILLAGE OF MENOMONEE FALLS

Richard A. Rechlicz

Richard A. Rechlicz, Village President

Richard A. Farrenkopf

Richard A. Farrenkopf, Village Manager/Clerk-Treasurer

This instrument was drafted by
The Village of Menomonee Falls
Jonathan M. Bretl
Date: October 27, 2005



0011277 NOV 1968

Exhibit "A"

001278 NOV 17 '50

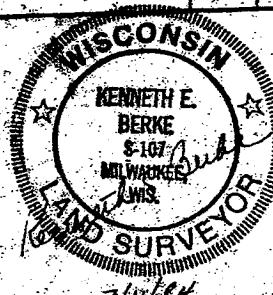
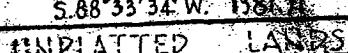
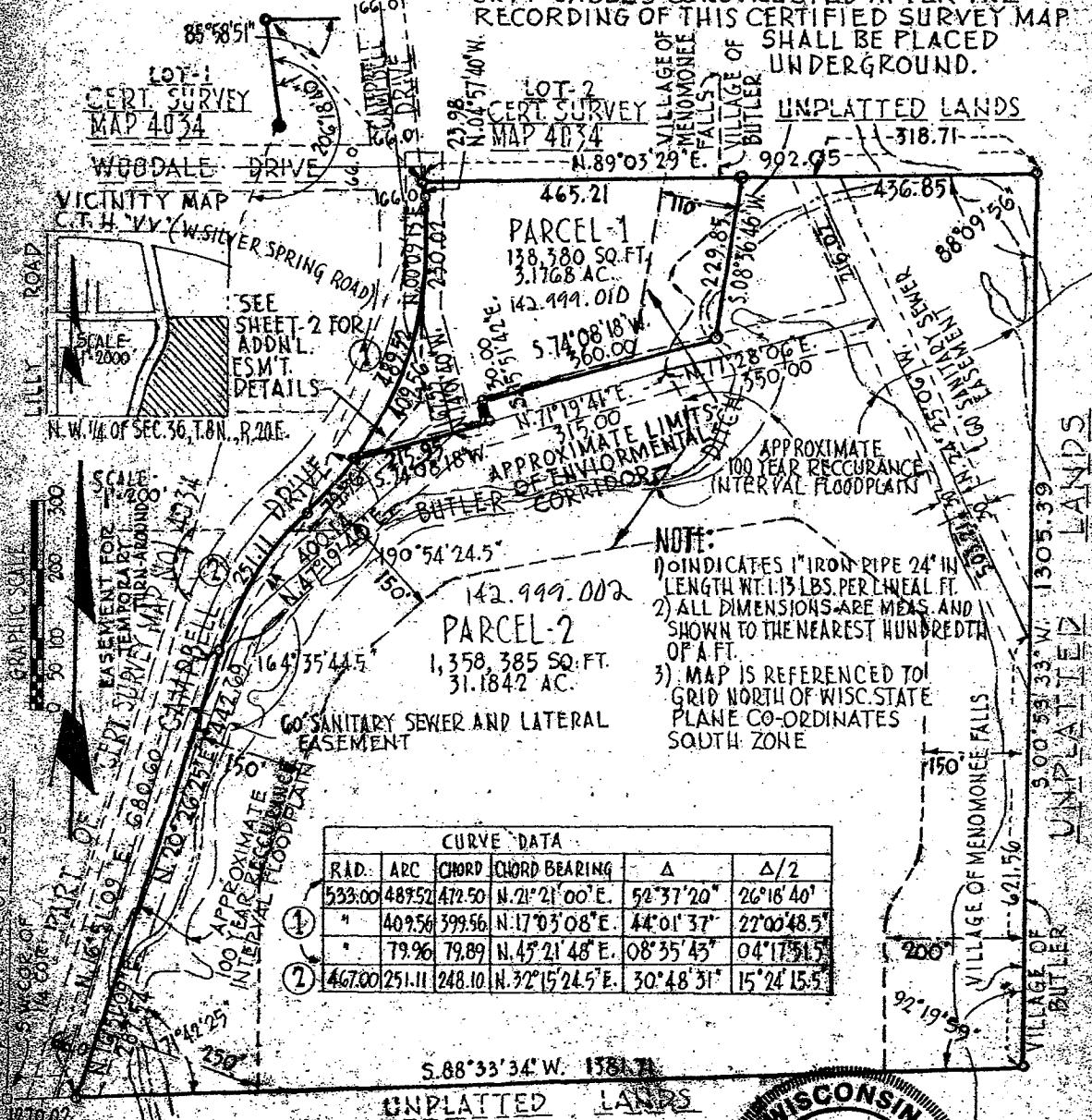
Originals

WAUKESHA COUNTY CERTIFIED SURVEY MAP NUMBER 4674

-PART OF

BEING A REDIVISION OF LOT 3 IN CERTIFIED SURVEY MAP NO. 4034, BEING A PART OF THE SW 1/4 AND THE SE 1/4 OF THE NW 1/4 OF SECTION 36, T 8 N, R 20 E, IN THE VILLAGE OF MENOMONEE FALLS, WAUKEE COUNTY, WISCONSIN.

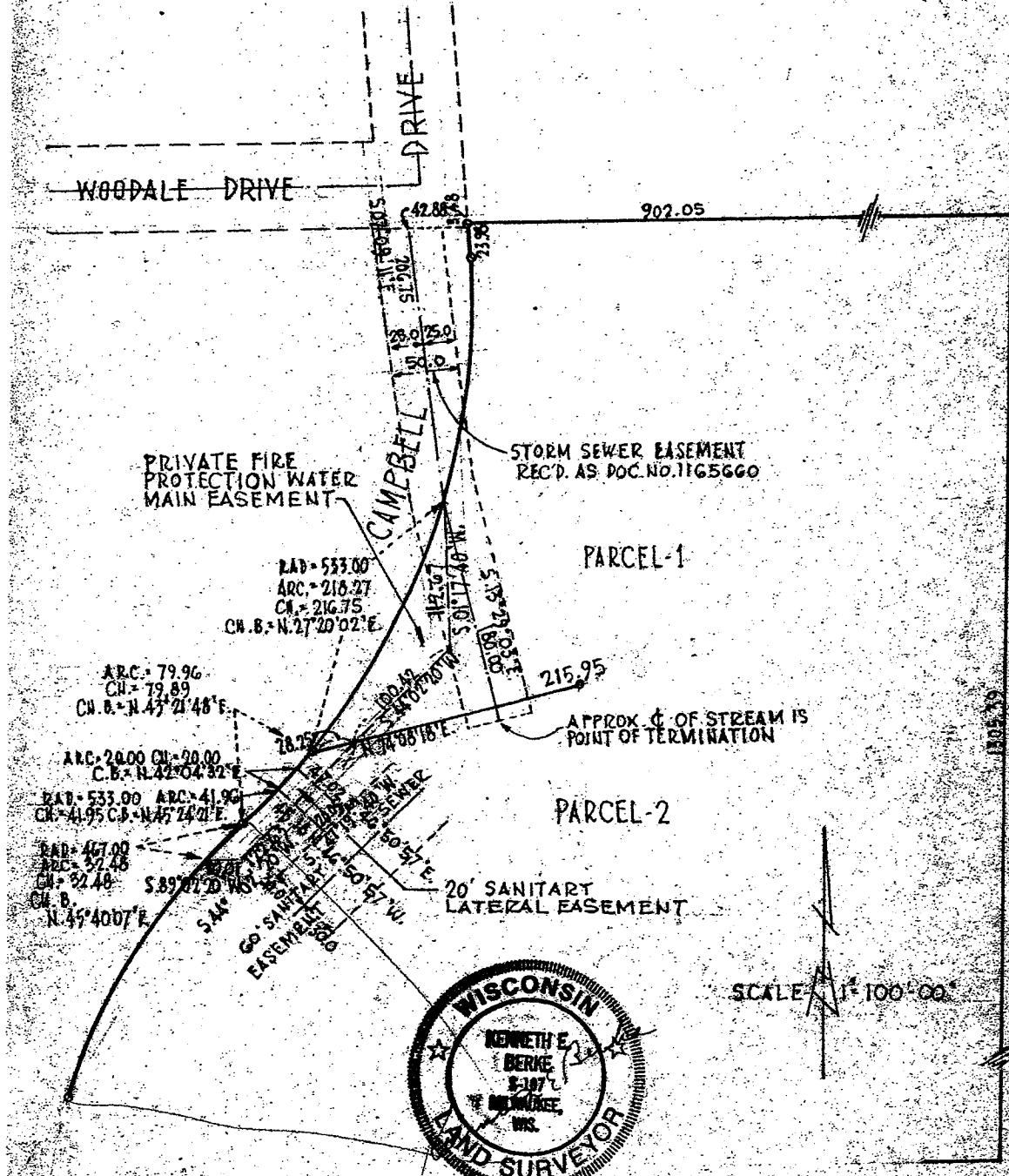
NOTE: ALL ELECTRIC, TELEPHONE, AND COMMUNICATION
DISTRIBUTION LINES AND LATERALS INCLUDING
CATV CABLES CONSTRUCTED AFTER THE
RECORDING OF THIS CERTIFIED SURVEY MAP
SHALL BE PLACED
UNDERGROUND.



000279 NOV 13 1968

CERTIFIED SURVEY MAP NO. 4674

BEING A REDIVISION OF PART OF LOT 3 IN CERTIFIED SURVEY MAP NO. 4034, BEING A PART OF THE SW 1/4 AND THE SE 1/4 OF THE NW 1/4 OF SECTION 36, T 8 N., R 20 E., IN THE VILLAGE OF MENOMONEE FALLS, WAUKESHA COUNTY, WISCONSIN



001280 NOV 17 1984

WAUKESHA COUNTY CERTIFIED SURVEY MAP NO. 4674

BEING A REDIVISION OF PART OF LOT 3 IN CERTIFIED SURVEY MAP NO. 4034, BEING A PART OF THE SW 1/4 AND THE SE 1/4 OF THE NW 1/4 OF SECTION 36, T 8 N, R 20 E, IN THE VILLAGE OF MENOMONEE FALLS, WAUKESHA COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, KENNETH E. BERKE, registered land surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a Redivision of Part of Lot 3 in Certified Survey Map No. 4034, being a part of the SW 1/4 and the SE 1/4 of the NW 1/4 of Section 36, T 8 N, R 20 E, in the Village of Menomonee Falls, Waukesha County, Wisconsin, which is bounded and described as follows:
Commencing at the Southwest corner of said 1/4 Section;
thence North 68° 33' 34" East along the South line of said 1/4 Section 1270.02 ft. to the point of beginning of the land herein to be described;
thence North 16° 51' 09" East 680.60 ft. to a point;
thence Northeasterly 251.11 ft. along the arc of a curve whose center is to the Southeast whose radius is 467.00 ft. and whose chord bears
North 32° 15' 24" East 248.10 ft. to a point of reverse curve;
continuing thence Northeasterly 489.52 ft. along the arc of a curve whose center is to the Northwest whose radius is 533.00 ft and whose chord bears
North 21° 21' 00" East 472.50 ft. to a point;
thence North 04° 57' 40" West 23.98 ft. to a point;
thence North 89° 03' 29" East 902.05 ft. to a point;
thence South 00° 53' 33" West 1305.39 ft. to a point, being the Southeast corner of said 1/4 Section;
thence South 68° 33' 34" West along the South line of said 1/4 Section 1381.71 ft. to the point of beginning.
The above described parcel contains 34.3612 acres (GROSS).

THAT I have made such survey, land division and this map by the order and direction of JANE LAZINSKI, TRUSTEE OF THE ESTATE OF WALTER J LAZINSKI and CHARLES W. ARING, JR.

THAT such map is a correct representation of all the exterior boundaries of the land surveyed and of the land division thereof made.

7/11/84
Date

Kenneth E. Berke
Kenneth E. Berke, Registered Surveyor
Registration S 107

(SEAL)

OWNER'S CERTIFICATE OF DEDICATION

WE, JANE LAZINSKI, TRUSTEE OF THE ESTATE OF WALTER J LAZINSKI and CHARLES W. ARING, JR., as owners, do hereby certify that we caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on the Certified Survey Map in accordance with the Ordinances of the Village of Menomonee Falls.

WITNESS the hands and seals of said owners this 7th day of December, 1984.



08/28/1984 NOV 1984

CERTIFIED SURVEY MAP NO 4674

BEING A REVISION OF PART OF LOT 3 IN CERTIFIED SURVEY MAP NO. 4034, BEING A PART OF THE SW 1/4 AND THE SE 1/4 OF THE NW 1/4 OF SECTION 36, T 8 N, R 20 E, IN THE VILLAGE OF MENOMONEE FALLS, WAUKESHA COUNTY, WISCONSIN.

SPECIAL REQUIREMENTS BY VILLAGE OF MENOMONEE FALLS

1. All future street and drainage improvements in Campbell Drive between the Southerly line of Parcel 2 and a point approximately 900 feet North (between the Northerly line of Parcel 4 of Certified Survey Map No. 4673 and the Southerly line of Parcel 4 of Certified Survey Map No. 4673) shall be installed in accordance with Village Standards, and the total costs for such installation shall be divided equally between Parcel 4 of Certified Survey Map No. 4673 and Parcel 2 of Certified Survey Map No. 4674.
2. The future street improvements designated in Item 1 above shall be installed at such date as they are deemed necessary by the Village of Menomonee Falls or at such earlier date as they may be requested by the Owner of either property which will share the costs.
3. No building permit shall be issued for Parcel 4 of Certified Survey Map No. 4673 or for Parcel 2 of Certified Survey Map No. 4674 prior to commitment of funds for the installation of the future street improvements designated in Item 1 above.
4. In as much as normal Village channel improvements are not planned to be installed along the Butler Ditch the following conditions shall apply:
 - a. Drainage onto and across Parcel 2 from all upstream lands shall not be obstructed, restricted, or limited in any manner to the complete satisfaction of the Village.
 - b. The environmental corridors adjacent to the Butler Ditch and the Menomonee River shall be maintained and excluded from future development.
 - c. The maintenance of drainage facilities along the Butler Ditch across Parcel 2 shall be performed to the satisfaction of the Village and shall be the sole responsibility of Parcel 2.

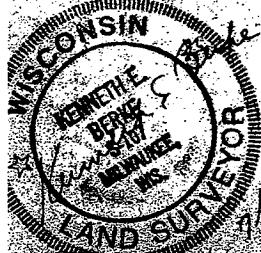
In The Presence of:

Jane Lazinski, Trustee
Jane Lazinski, Trustee of the Estate of
Walter J Lazinski

Charles W. Aring, Jr.
Charles W. Aring, Jr.

STATE OF WISCONSIN
ss
WAUKESHA COUNTY

PERSONALLY came before me this 7th day of December 1984, 1984 the above named JANE LAZINSKI, TRUSTEE OF THE ESTATE OF WALTER J LAZINSKI, and CHARLES W ARING, JR., to me known to be the persons who executed the foregoing instrument and acknowledged the same.



J. V. Hebel (SEAL)
Notary Public, State of Wisconsin
My Commission Expires June 3, 1985
My Commission is Permanent



Notary Public, State of Wisconsin
My Commission is Permitted
1984

PERSONALLY came before me this 7th day of January, 1984
1984 the above named CHARLES W ARLING, JR., to me known to be the person who exe-
cuted the foregoing instrument and acknowledged the same.

WAUKESHA COUNTY ()
STATE OF WISCONSIN
SS:

Charles W Arling, Jr.

Notary Public, State of Wisconsin
My Commission is Permitted
1984

IN THE PRESENCE OF:

PERSONALLY came before me this 7th day of January, 1984
1984 the above named JANE LAZINSKI, TRUSTEE OF THE ESTATE OF WALTER J LAZINSKI, to
me known to be the person who executed the foregoing instrument and acknowledged
the same.

WAUKESHA COUNTY ()
STATE OF WISCONSIN
SS:

Jane Lazinski, Trustee of the Estate of
Walter J Lazinski

IN THE PRESENCE OF:

BEING A REDIVISION OF PART OF LOT 3 IN CERTIFIED SURVEY MAP NO. 4034, BEING A PART
OF THE SW 1/4 AND THE SE 1/4 OF THE NW 1/4 OF SECTION 36, T 8 N, R 20 E, IN THE
VILLAGE OF MENOMONEE FALLS, WAUKESHA COUNTY, WISCONSIN.

WAUKESHA COUNTY CERTIFIED SURVEY MAP NO. 4674
50f

001282 NOV 17 1984

WILHELM BÜNTNER, KLEIN-SUNDE, NO. 10.

BEING A REDRAWING OF PART OF LOT 3 IN CERTIFIED SURVEY MAP NO. 4054, BEING A PART
OF THE SW 1/4 AND THE SE 1/4 OF THE NW 1/4 OF SECTION 36, T 8 N, R 20 E, IN THE
VILLAGE OF MENOMONEE FALLS, WAUKEEHA COUNTY, WISCONSIN.

NEWKIRK FALLS PLANNING COMMISSION

b-16-87
Date: July 19
Secretary: John C. Clegg

FINAL APPROVAL

Date _____
Secretary _____

RESOLVED that the Certified Survey Map of a Revision of Part of Lot 3 in Certified Survey Map No. 4034 being a part of the SW 1/4 and the SE 1/4 of the NW 1/4 of Section 36, T. 8 N., R. 20 E. in the Village of Menomonee Falls, Waukesha County, Wisconsin, having been approved by the Plan Commission, being the same is hereby adopted and the dedication herein accepted by the Village Board of Trustees of the Village of Menomonee Falls on this 24 day of September 1974.

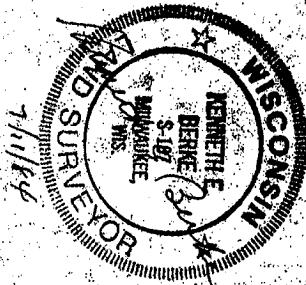
President
John C. May Jr.

I HEREBY CERTIFY that the foregoing is a copy of a resolution adopted by the Village Board of Trustees of the Village of Menomonee Falls, Wisconsin on this 4 day of September, 1984.

Chirk *John G. Shaeffer*

RECORDED 2-11-85 doc. no. 1286084

THIS INSTRUMENT WAS DRAFTED BY KENNETH E. BERKE
REGISTERED LAND SURVEYOR S-107



000284 NOV 17 1978

Exhibit "B"

