4302581

REGISTER OF DEEDS
WAUKESHA COUNTY, WI
RECORDED ON

September 29, 2017 11:39 AM
James R Behrend
Register of Deeds

5 PGS
TOTAL FEE:$30.00
TRANS FEE:$0.00

Book Page -

Recording Data

POST-CONSTRUCTION RUNOFF
PERMIT NO. PCP2016-06

DOCUMENT NO.

DOCUMENT TITLE

Due 30/5 MNFV

2017 OCT 10 AM 10: 22

Return to:

Village of Menomonee Falls
***Engineering and Development Dept.***
W156 N8480 Pilgrim Road
Menomonee Falls, WI 53051

Tax Key Nos. MNFV 0127.999.002 & part of MNFV 0127.991.006

Lot 2 of Certified Survey Map No. 11268 and Unplatted lands being a part of the Northeast ¼ and Southeast ¼ of the Southwest ¼ of Section 32, Town 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin, bounded and described as follows:
Commencing at the West ¼ Corner of said Section 32; Thence North 88°41'49" East and along the North line of the said Southwest ¼ Section, 1864.58 feet to the place of beginning of lands hereinafter described: Thence South 00°24'00" West, 963.07 feet to point; Thence South 07°12'33" West, 92.61 feet to point; Thence South 42°18'56" West, 61.51 feet to point; Thence South 70°51'23" West, 490.59 feet to a point on the West line of the East ½ of the said Southwest ¼ Section; Thence South 00°13'37" East and along the said West line of the said East ½, 169.82 feet to a point being the Northwest corner of Certified Survey Map No. 11210; Thence North 89°46'23" East and along the North line of said Certified Survey Map No. 11210, 1330.94 feet to a point on the East line of the said Southwest ¼ Section; Thence North 00°01'28" West and along the said East line, 1444.22 feet to a point marking the center of said Section 32; Thence South 88°41'49" West and along the said North line of the said Southwest ¼ Section, 807.98 feet to the point of beginning.

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

# POST-CONSTRUCTION RUNOFF PERMIT NO. PCP2016-06

Village of Menomonee Falls

Property Owner: FRED-WRUCK Joint Venture, LLC

Stormwater Application No. SWA2016-06

Tax Keys: 0127.999.002 and part of 0127.991.006

Parcels: Lot 2 of Certified Survey Map No. 11268 as recorded by deed in the land records of Waukesha County, Book 111, Pages 124-128, Document No. 4116944, being a part of the Northwest ¼ and Southwest ¼ of the Southwest ¼ of Section 32, Town 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin, and

Unplatted lands being a part of the Northeast ¼ and Southeast ¼ of the Southwest ¼ of Section 32, Town 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin, bounded and described as follows:
Commencing at the West ¼ Corner of said Section 32; Thence North 88°41'49" East and along the North line of the said Southwest ¼ Section, 1864.58 feet to the place of beginning of lands hereinafter described: Thence South 00°24'00" West, 963.07 feet to point; Thence South 07°12'33" West, 92.61 feet to point; Thence South 42°18'56" West, 61.51 feet to point; Thence S outh 70°51'23" West, 490.59 feet to a point on the West line of the East ½ of the said Southwest ¼ Section; Thence South 00°13'37" East and along the said West line of the said East ½, 169.82 feet to a point being the Northwest corner of Certified Survey Map No. 11210; Thence North 89°46'23" East and along the No rth line of said Certified Survey Map No. 11210, 1330.94 feet to a point on the East line of the said Southwest ¼ Section; Thence North 00°01'28" West an d along the said East line, 1444.22 feet to a point marking the center of said Section 32; Thence South 88°41'49" West and along the said North line of the said Southwest ¼ Section, 807.98 feet to the point of beginning.

The Village of Menomonee Falls reviewed Stormwater Permit Application SWA2016-06 for compliance with Village of Menomonee Fall requirements.

Under Village of Menomonee Falls Ordinance Chapter 38, Article V, the Village of Menomonee Falls hereby grants approval for a POST CONSTRUCTION RUNOFF PERMIT with the requirements set forth in Section I, Section II, and Section III under terms and conditions of this permit.

This permit does not relieve the property owner from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, judgment or decree.

This Permit 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 the Property Owner, their successors or assigns.

TERMS AND CONDITIONS:

Section I: General Requirements

1. The Property Owner shall develop the Property pursuant to a Site Plan approved by the Village, which is included in the Stormwater Management Plan with a final revision date of July 11, 2016.

2. The Property Owner shall construct all detention basins, retention basins, outlet structures, inlet structures, storm sewer, underground storage facilities, swales, berms or any structure and grading associated with stormwater management (the "Stormwater Management Facilities") pursuant to a Site Plan approved by the Village.

3. Upon completion of the project, the Property Owner has thirty (30) days to submit an inspection report to the Village as proof of compliance on the Village approved Inspection Report form. Along with the inspection report, 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 CD. The as-built plan and inspection report 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 and inspection report.

4 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.

5. 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.

6. 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.

7. This Permit 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.

Section II: Maintenance

1. 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.

2. 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 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.

3. The Property Owner will perform or otherwise be responsible for the maintenance of the Stormwater Management Facilities as described in the approved Stormwater Management Plan submitted with application SWA2016-06 on file at Village Hall. This includes any work necessary to

keep the Stormwater Management Facilities in good working order and 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 ¶2 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.

Section III: Enforcement

1. Failure to comply the terms and conditions set forth in the permit shall constitute a violation of Chapter 38, Article V of the Village Code and will result in enforcement under Chapter 38, Sec. 38-213 ENFORCEMENT AND PENALTIES.

By signing below, I accept the TERMS AND CONDITIONS set forth in this permit.

**FRED-WRUCK Joint Venture, LLC**

By: Fiduciary Real Estate Development, Inc.,
its Manager

By: _____ Date: 7/31/17
Brett K. Miller, President & CEO of Manager

State of Wisconsin )
) ss.
County of Milwaukee )

Personally came before me this 31 day of July, 2017, the above named Brett K. Miller to me known to be the person(s) who executed the foregoing instrument in his respective official capacity and acknowledged that they executed the foregoing instrument.

_____
Notary Public
Milwaukee County, State of Wisconsin
My Commission Expires on 02/26/21

GREG M THELEN
NOTARY PUBLIC
STATE OF WISCONSIN
NOTARY SEAL

***Village of Menomonee Falls***

By_____ Date: 9/15/2017
Director of Engineering and Development

VILLAGE OF MENOMONEE FALLS
OFFICIAL
SEAL
WAUKESHA CO. WIS.
VILLAGE SEAL

This instrument was drafted by:
Thomas M. Hoffman, P.E.
Director of Engineering and Development
Village of Menomonee Falls