



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

January 18, 2005

Milwaukee Western Bank
6001 W. Capitol Drive
Milwaukee, WI 53216

Attn: Michael Peters

Re: Stormwater Facilities Operation, Inspection & Maintenance Agreement
Milwaukee Western Bank
Tax Key No. 13.988.006

Dear Mr. Peters,

Please find enclosed a signed copy and the recorded copy of the Stormwater Facilities Operation, Inspection & Maintenance Agreement for the Milwaukee Western Bank site on Water Tower Place for your records. It contains recording information showing proof of recording by the Waukesha County Register of Deeds.

Also, please find enclosed Invoice #ES-024 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

Enclosures

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

kwiktag® 012 774 873





WC3234133-011

001184 DEC 2004

3234133

STORMWATER FACILITIES
OPERATION, INSPECTION &
MAINTENANCE AGREEMENT

DOCUMENT TITLE

12-20-2004 11:13 AM

MICHAEL J. HASSLINGER
REGISTER OF DEEDS

REC. FEE: 24.00
REC. FEE-CO: 5.00
REC. FEE-ST: 2.00
TRAN. FEE:
TRAN. FEE-STATE:
PAGES: 11

Recording Data

Return to:

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

*Due
3/11
MNFV*

Milwaukee Western Bank

Tax Key No. MNFV 13.988.006

STORMWATER FACILITIES OPERATION, INSPECTION, & MAINTENANCE AGREEMENT

Village of Menomonee Falls

THIS AGREEMENT is between Milwaukee Western Bank, a Wisconsin Corporation, (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 follows: Lot 1 of Certified Survey Map 9149 as recorded by deed in the land records of Waukesha County, Volume 82, Pages 286-290, Document Number 2632970, 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") 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 with the Milwaukee Metropolitan Sewage District "Stormwater Rules, Chapter 13 of the MMSD Rules and Regulations," 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 and submit an inspection report biannually 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.

001187 DEC 2004

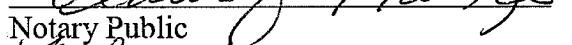
IN WITNESS WHEREOF, Milwaukee Western Bank, Inc. has caused this Agreement to be signed this 8 day of November, 2004.

By:


Michael P. Peters, Senior Vice President

State of Wisconsin)
) Ss.
County of Waukesha)

Personally came before me this 8th day of November, 2004, the above named Michael P. Peters to me known to be the person who executed the foregoing instrument in his respective official capacity as Senior 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.

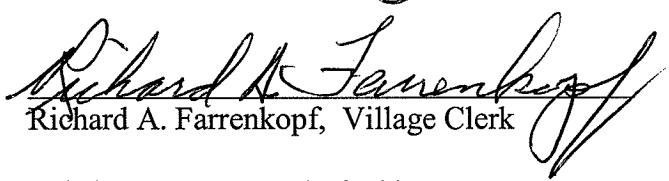

Notary Public
Milwaukee County, Wisconsin

My Commission Expires on 10/26/08

Approved by the Board of Trustees of the **Village of Menomonee Falls**, this 15th day of November, 2004.

VILLAGE OF MENOMONEE FALLS


Jefferson E. Davis, Village President


Richard A. Farrenkopf, Village Clerk

This instrument was drafted by
The Village of Menomonee Falls
Jonathan M. Bretl
Date: August 30, 2004



001188 DEC 20 5

Exhibit "A"

001189 DEC 20 1985

FOL 985-A

H.C. Miller

Stock No. 26273

CERTIFIED SURVEY MAP NO. 9149

BEING A REDIVISION OF LOT 3, OF C.S.M. 8241, LOCATED IN THE NW 1/4 AND SW 1/4 OF THE NE 1/4 OF SECTION 4, TOWNSHIP 8 NORTH, RANGE 20 EAST, VILLAGE OF MENOMONEE FALLS, WAUKESHA COUNTY, WISCONSIN.

SURVEYOR

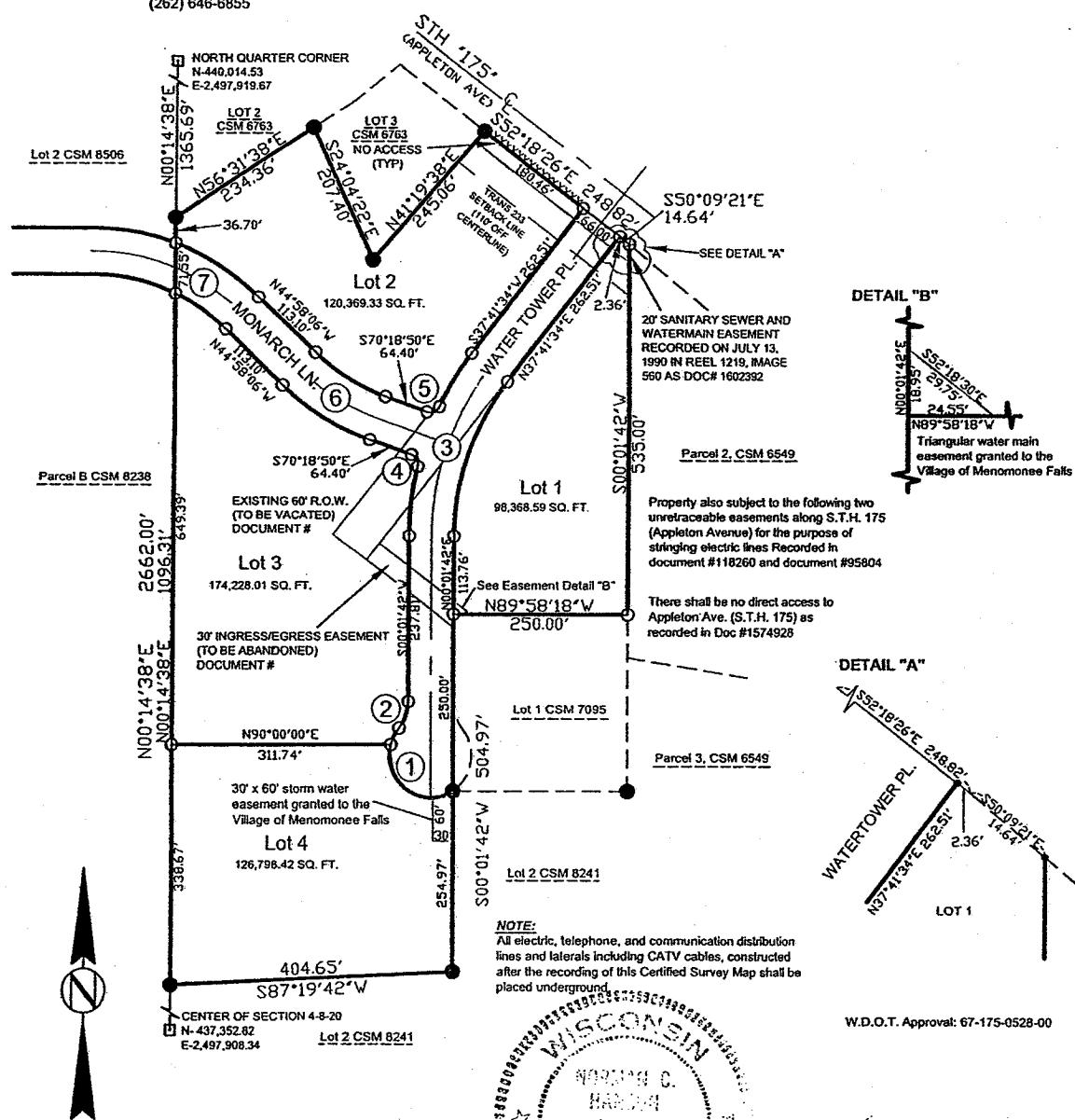
NORMAN C. HANSON, RLS 1146
WELCH, HANSON & ASSOC., INC.
355 AUSTIN CIRCLE, SUITE 1000
DELAFIELD, WI. 53018
(262) 646-6855

SURVEY FOR

JAMES G. PLUNKETT, TRUSTEE
FOR THE
GWENDOLYN G. PLUNKETT TRUST

LEGEND

- ALUM. MON. FOUND
- 1" DIA. IRON PIPE SET, 24"
LONG, WT. = 1.13 LBS/LIN. FT.
- IRON PIPE FOUND



BEARINGS ARE REFERENCED TO GRID NORTH, WISCONSIN
STATE PLANE COORDINATES, SOUTH ZONE, USING THE
WEST LINE OF THE SW 1/4 OF THE NE 1/4, SEC. 4-8-20, AS
NORTH 00°14'38" EAST

PROJECT NO. 12569

THIS INSTRUMENT DRAFTED BY NORMAN C. HANSON

PAGE 1 OF 4

001190 DEC 20 8

FOR 985-A

H.C. HANSON

Stock No. 26273

CERTIFIED SURVEY MAP NO.

9149

BEING A REDIVISION OF LOT 3, OF C.S.M. 8241, LOCATED IN THE NW 1/4 AND SW 1/4 OF THE NE 1/4 OF SECTION 4,
TOWNSHIP 8 NORTH, RANGE 20 EAST, VILLAGE OF MENOMONEE FALLS, WAUKESHA COUNTY, WISCONSIN.

CURVE	RADIUS	DELTA	ARC DIST	CHORD DIST	CHORD BEARING	TAN. BEARING 1	TAN. BEARING 2
1	60.00'	162-33-43	170.23	118.61	S 54-34-26.5 E	-	-
1- LOT 3	60.00'	25-01-57	26.21	26.01	S 26-42-25.5 W	-	-
1- LOT 4	60.00'	137-31-46	144.02	111.85	S 54-34-26 E	-	-
2	60.00'	39-11-42	41.04	40.25	N 19-37-33 E	S 00-01-42 W	-
3- C/L	400.00'	37-39-52	262.95	258.24	N 18-51-38 E	N 00-01-42 E	N 37-41-34 E
3- LOT 1	267.00'	37-39-52	241.25	236.93	N 18-51-38 E	N 00-01-42 E	N 37-41-34 E
3- LOT 2	433.00'	11-51-21	89.60	89.44	N 31-45-53.5 E	-	N 37-41-34 E
3- LOT 3	433.00'	13-30-26	102.08	101.84	N 06-46-55 E	-	S 00-01-42 W
4	15.00'	83-50-58	21.95	20.04	N 28-23-21 W	S 70-18-50 E	-
5	15.00'	83-50-58	21.95	20.04	S 67-45-41 W	S 70-18-50 E	-
6- C/L	300.00'	25-20-44	132.71	131.63	N 57-38-28 W	S 44-58-06 E	S 70-18-50 E
6- LOT 2	267.00'	25-20-44	118.11	117.15	N 57-38-28 W	S 44-58-06 E	S 70-18-50 E
6- LOT 3	333.00'	25-20-44	147.31	146.11	N 57-38-28 W	S 44-58-06 E	S 70-18-50 E
7- C/L	300.00'	46-12-39	241.96	235.45	N 68-04-26.5 W	-	S 44-58-06 E
7- LOT 2	333.00'	24-34-24	142.82	141.73	N 57-15-18 W	-	S 44-58-06 E
7- LOT 3	267.00'	19-15-36	89.75	89.33	N 54-35-54 W	-	S 44-58-06 E

SURVEYOR'S CERTIFICATE

I, Norman C. Hanson, RLS 1146, do hereby certify that at the direction of James G. Plunkett and Gwendolyn G. Plunkett, have made this survey being a redision of Lot 3 C.S.M. 8241, also being a part of the E 1/2 of section 4, T8N, R20E, Village of Menomonee Falls, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of the Northeast 1/4 of said Section 4; thence S. 00°14'38" W. along the West line of the Northeast 1/4 of said Section 4, 1365.69 feet to the point of beginning; thence N. 56°31'38" E., 234.36 feet; thence S. 24°04'22" E., 207.40 feet; thence N. 41°19'38" E., 245.06 feet, to the Southwesterly right-of-way line of Appleton Avenue, S.T.H. 175; thence S. 52°18'26" E., 248.82 feet, along said Southwesterly right-of-way line of Appleton Avenue, S.T.H. 175; thence S. 50°09'21" E., 14.64 feet; thence S. 00°01'42" W., 535.00 feet, to the North line of Lot 1, C.S.M. 7095; thence N. 89°58'18" W., 250.00 feet; thence S. 00°01'42" W., 504.97 feet; thence S. 87°19'42" W., 404.64 feet; thence N. 00°14'38" E., 1096.31 feet, to the point of beginning. Said land containing 14.00 acres, 609,949.85 sq. ft..

That I have made this survey, land division and map by the direction of James G. Plunkett and Gwendolyn G. Plunkett, Owners of said land.

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

That we have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the Village of Menomonee Falls in surveying, dividing and mapping the same.

DATE: MAR 7 2001

Norman C. Hanson, RLS 1146



00119 | DEC 20 08

FOA 985-A

H.C. Miller

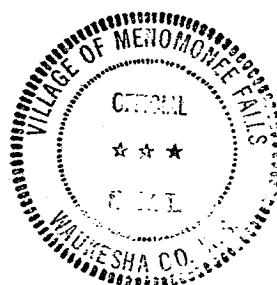
Stock No. 26273

CERTIFIED SURVEY MAP NO. 9149

Being a redivision of Lot 3 of C.S.M. No. 8241 located in the NW 1/4 and SW 1/4 of the NE 1/4 of Section 4, Township 8 North, Range 20 East, Village of Menomonee Falls, Waukesha County, Wisconsin.

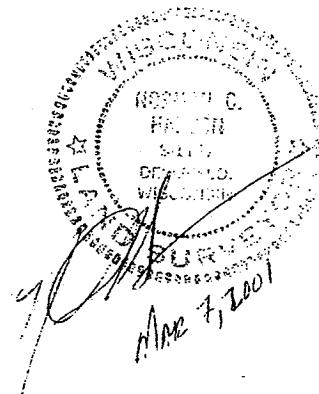
VILLAGE BOARD APPROVAL:

RESOLVED, that the Certified Survey Map of James Gardner Plunkett, Trustee of the Gwendolyn G. Plunkett Family Trust, owner of said lands, being a redivision of Lot 3 of CSM No. 8241, Village of Menomonee Falls, Waukesha County, Wisconsin having been approved by the Plan Commission and the same is hereby approved and the dedication contained herein accepted by the Village Board of Trustees of the Village of Menomonee Falls on this 5 day of March, 2001.



Joseph J. Greco
Joseph J. Greco, Village President

Richard A. Farrenkopf
Richard A. Farrenkopf
Village Manager/Clerk Treasurer



001192 DEC 2001

Form 985-A
H.C. Miller

Stock No. 26273

CERTIFIED SURVEY MAP NO. 9149

Being a redivision of Lot 3 of C.S.M. No. 8241 located in the NW ¼ and SW ¼ of the NE ¼ of Section 4, Township 8 North, Range 20 East, Village of Menomonee Falls, Waukesha County, Wisconsin.

OWNER'S CERTIFICATE OF DEDICATION

As OWNER, we hereby certify that we caused the lands described on this map to be surveyed, divided, mapped and dedicated as represented on this map, in accordance with the requirements of Chapter 236 of the Wisconsin State Statutes and the Village of Menomonee Falls. We further certify that this map is required to be submitted to the following agencies for their objection or approval:

1) Village of Menomonee Falls

WITNESS the hand and seal of said OWNER this _____ day of _____, 20____.

In Presence of:

James Gardner Plunkett
James Gardner Plunkett, Trustee of the
Gwendolyn G. Plunkett Family Trust

STATE OF WISCONSIN)
SS
Milwaukee COUNTY)

Personally came before me this 9th day of March, 2001, the above named James Gardner Plunkett, Trustee of the Gwendolyn G. Plunkett Family Trust to me known to be the person who executed the foregoing instrument and acknowledged the same.

Jane M. Mauer
Notary Public

Milwaukee County, Wisconsin
My commission expires 4/29/01

PLANNING COMMISSION APPROVAL

APPROVED by the Planning Commission of the Village of Menomonee Falls on this 7th day of February, 2001.

Martina A. Lauer
Secretary

Certified Survey Map 9149
Recorded on March 15, 2001
In Document 2632970
Volume 82, Pages 286-290

001193 DEC 20 1968

Exhibit "B"

001194 DEC 20

