

Post Construction Runoff  
Permit No. PCP2015-01

Document Number

Document Title

4219843

REGISTER OF DEEDS  
WAUKESHA COUNTY, WI  
RECORDED ON

July 21, 2016 11:03 AM  
James R Behrend  
Register of Deeds

7 PGS  
TOTAL FEE: \$30.00  
TRANS FEE: \$0.00

Book Page -



Recording Area

Name and Return Address

Mr. Tom Hoffman  
Village of Menomonee Falls  
W156 N8480 Pilgrim Road  
Menomonee Falls, WI 53051-3140

Part of MNFV 0009-987-009

Parcel Identification Number (PIN)

6/20/17



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

## POST-CONSTRUCTION RUNOFF PERMIT NO. PCP2015-01

Village of Menomonee Falls

Property Owner: CP-26, LLC

Stormwater Application No. SWA2015-01

Tax Key: MNFV0009987009

Parcel: Part of Lot 4 of Certified Survey Map No. 11278 as recorded in the certified survey land records of Waukesha County, Volume 111, Pages 168 to 176, Document 4126646 as further described on Exhibit A and Schedule A attached hereto ("**Property**").

The Village of Menomonee Falls reviewed Stormwater Permit Application No. SWA2015-01 for compliance with Village of Menomonee Falls 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 (i) a Site Plan approved by the Village, which is included in the Stormwater Management Plan dated December 8, 2014 on file with the Village and (ii) plans and specifications approved by the Village as part of the Budget and Cost Allocation Agreement dated as of March 13, 2015 between the Property Owner and the Village (collectively, the "**Plans**").
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 (collectively, the "**Stormwater Management Facilities**") pursuant to the Plans in the area generally described as Proposed Pond 2A on Exhibit A attached hereto.
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.

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 in accordance with the Plans without the specific prior 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 without the prior written approval of 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. The Property Owner hereby grants and conveys to the Village the non-exclusive right to discharge water from the Falls Parkway right of way, the Pershing Avenue right of way and the Highway 45 right of way as shown or referenced in the Plans and further identified, in general, on Exhibit A (collectively, the "**ROW Land**") into the Stormwater Management Facilities ("**Village Discharge Rights**"). The Village Discharge Rights shall be irrevocable, perpetual and appurtenant to and run with the burdened (the Property) and benefitted (the ROW Land) land and shall inure to the benefit of and be binding upon the owners of any interest in any of the Property or the ROW Land and their respective successors, grantees, assigns, and all parties claiming by, through or under them, including but not limited to, all present and future owners, purchasers, mortgagees, tenants and occupants of, and any persons or entities acquiring an interest in the Property or the ROW Land or any portion thereof. The Village shall have no obligation to pay for, or contribute to, the costs of maintaining, repairing or replacing all or any portion of the Stormwater Management Facilities with the exception of those portions of the public storm sewer lines dedicated to and accepted by the Village ("**Public Storm Sewer Lines**").
8. 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 Stormwater Management Facilities, except as to the Public Storm Sewer Lines, 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, except as to the Public Storm Sewer Lines, 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, at its expense, shall adequately maintain the Stormwater Management Facilities, except the Public Storm Sewer Lines. 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 3 days after any rainfall event of 5.8 inches or greater during a 24-hour duration.
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. Except as to the Public Storm Sewer Lines, the Property Owner will perform or otherwise be responsible for the maintenance of the Stormwater Management Facilities, at its expense, as described in the Village approved Stormwater Management Plan submitted with application No. SWA2015-01 on file at Village Hall. This includes any work necessary to keep the Stormwater Management Facilities, except the Public Storm Sewer Lines, 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 Village or citizen complaints. If deficiencies or damages are noted in the inspection report provided to the Village under ¶12 or if complaints are made by the Village or 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

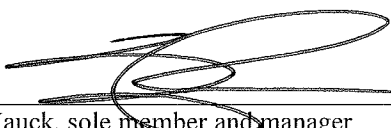
1. Failure to comply the terms and conditions set forth in the permit shall constitute a violation of Chapter 38, Article V of the Village Code and will result in enforcement under Chapter 38, Sec. 38-213 ENFORCEMENT AND PENALTIES.

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

CP-26, LLC, a Wisconsin limited liability company

By: Cobalt Partners, LLC, its manager

By:

  
\_\_\_\_\_  
Scott J. Yauck, sole member and manager

STATE OF WISCONSIN )

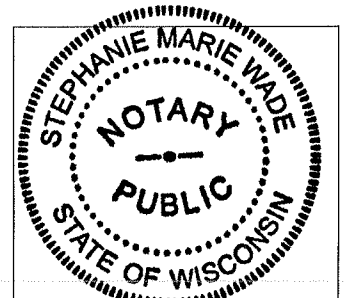
*Milwaukee* )SS  
COUNTY)

Personally came before me this 18<sup>th</sup> day of July, 2016, the above named Scott J. Yauck, sole member and manager of Cobalt Partners, LLC, manager of CP-26, LLC and acknowledged that he executed the foregoing instrument as Member of said Company.

Notary Public

Milwaukee County, Wisconsin

My Commission Expires on July 1, 2019



NOTARY SEAL

**Village of Menomonee Falls**

By Thomas M. Hoffman  
Director of Engineering Services

Date: July 18, 2016

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

25304903\_8.DOC

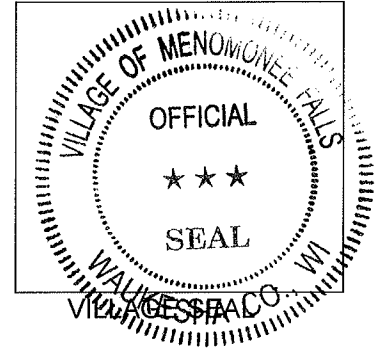
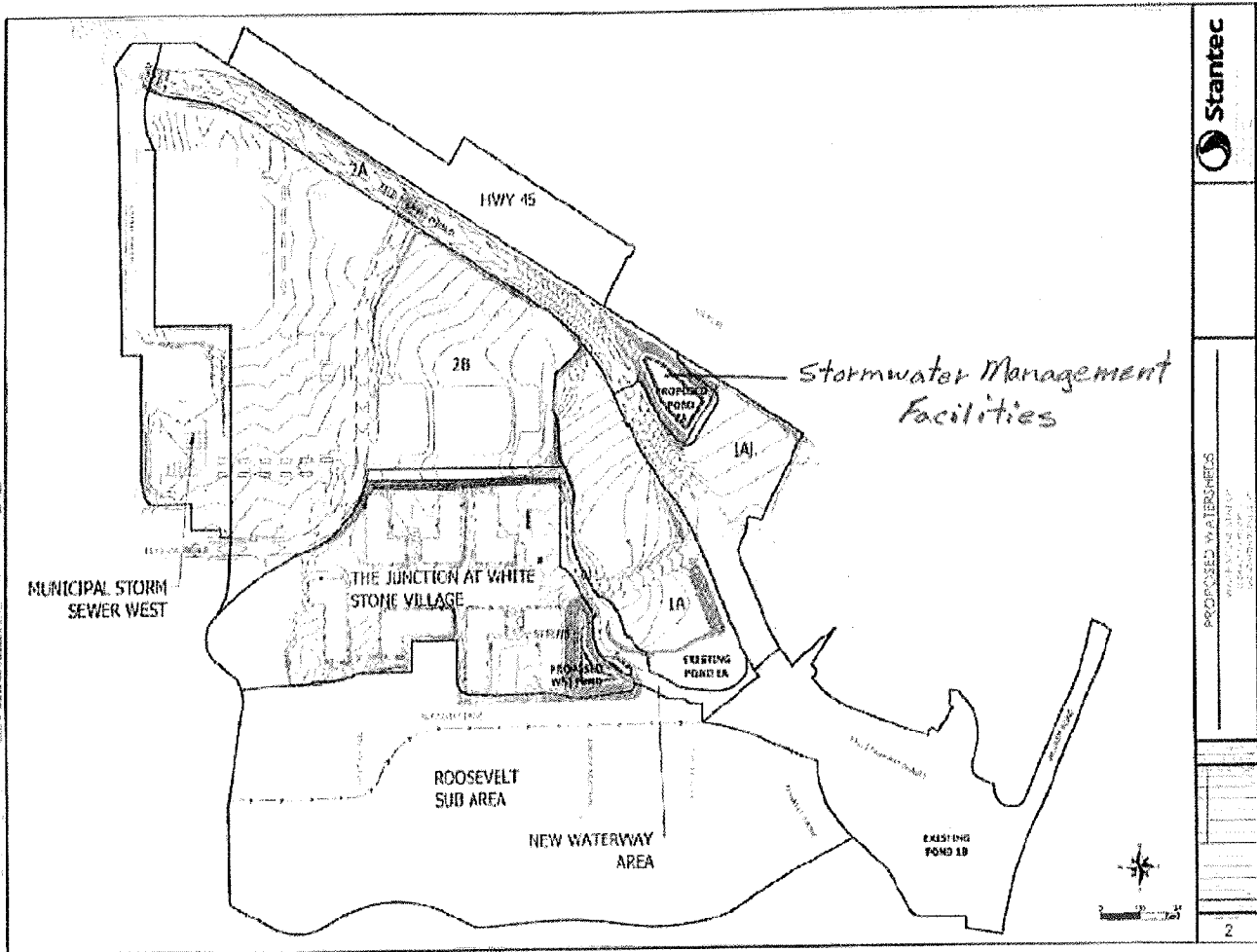


EXHIBIT A

ROW LAND

ROW Land: Areas 2A, 2B and Hwy 45



The Stormwater Management Facilities are located on the Property described on Schedule A attached hereto.

## Schedule A

### Legal Description

Lot 4 of Certified Survey Map No. 11278, recorded in Waukesha County of Register of Deeds on February 27, 2015, as Document No. 4126646, being that part of Parcels 1 and 2 of Certified Survey Map No. 4656 in the Northwest 1/4 of the Southeast 1/4, that part of Lot 2 of Certified Survey Map No. 6014 in the Northwest 1/4 of the Southeast 1/4, that part of Parcels 1 and 2 of Certified Survey Map No. 6136 in the Southwest 1/4 and Southeast 1/4 of the Northeast 1/4, that part of Lot 3 and that part of Richfield Way of Certified Survey Map No. 11026 in the Southwest 1/4 and the Southeast 1/4 of the Northeast 1/4 and the Northwest 1/4 and the Northeast 1/4 of the Southeast 1/4, all that part of Lot 2 and Outlot 1 of Certified Survey Map No. 11216 in the Northwest 1/4 and the Northeast 1/4 of the Southeast 1/4, that part of Lots 2, 3 and 4, Block B of W.T. Camps Addition to Menomonee Falls and unplatted lands in the Northwest 1/4 of the Southeast 1/4, all in Section 3, Township 8 North, Range 20 East, in the Village of Menomonee Falls, County of Waukesha, State of Wisconsin.

#### EXCEPT THE FOLLOWING:

That part of said Lot 4 of Certified Survey Map No. 11278, being described as follows: Commencing at the Southeast corner of the Northeast 1/4 of said Section 3; thence South 88°59'12" West along the South line of said 1/4 Section 786.00 feet to a point; thence South 01°00'48" East 172.44 feet to the point of beginning of the lands to be described; thence South 55°44'38" East 217.44 feet to a point; thence South 60°19'04" East 40.52 feet to a point; thence South 29°40'56" West 228.37 feet to a point; thence Northwesterly 98.80 feet along an arc of a curve, whose center lies to the Southwest, whose radius is 91.00 feet, and whose chord bears North 83°25'51" West 94.02 feet to a point; thence South 65°27'59" West 27.46 feet to a point on the northeasterly line of Falls Parkway; thence Northwesterly 188.86 feet along said northeasterly line and an arc of a curve, whose center lines to the Southwest, whose radius is 635.00 feet, and whose chord bears North 34°32'56" West 188.16 feet to a point; thence North 33°27'22" East 223.58 feet to the point of beginning.

#### For Informational Purposes Only

Tax Parcel Number: PART OF MNFV 0009-987-009

Address: NONE