

POST-CONSTRUCTION RUNOFF
PERMIT NO. PCP2016-11
Pilgrim Spring Market Place

4264982

REGISTER OF DEEDS
WAUKESHA COUNTY, WI
RECORDED ON

February 27, 2017 03:33 PM

James R Behrend

Register of Deeds

5 PGS

TOTAL FEE : \$30.00

TRANS FEE : \$0.00

Book Page -



DOCUMENT NO.

DOCUMENT TITLE

Recording Data

Return to:

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

D 20/5
MNFV

Tax Key No. MNFV0103983

Shecterle Commercial Properties 6, LLC

Pilgrim Spring Market Place

NOTE: THIS PERMIT SHALL REPLACE THE
STORMWATER PERMIT SWA2015-07
AGREEMENT RECORDED WITH THE
REGISTER OF DEEDS, WAUKESHA
COUNTY, WISCONSIN, AS DOCUMENT
#4170992.



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

POST-CONSTRUCTION RUNOFF PERMIT NO. PCP2016-11

Village of Menomonee Falls

Property Owner: Shecterle Commercial Properties 6, LLC

Stormwater Application No. : SWA2016-11

Tax Key: MNFV0103983

Parcel: Map 10482 as recorded by deed in the land records of Waukesha County,
Volume 100, Pages 61 to 65, Document Number 3530011

The Village of Menomonee Falls reviewed Stormwater Permit Application SWA 2015-07 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 replace the Stormwater Permit SWA20 15-07 Agreement recorded with the Register of Deeds, Waukesha County, Wisconsin, as document # 4170992.

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 dated December 14, 2016.
2. The Property Owner was required to construct all detention basins, retention basins, outlet structures, inlet structures, storm sewer, underground storage facilities, swales, berms, porous pavement, or any structure and grading associated with stormwater management (the "Stormwater Management Facilities") pursuant to a Site Plan approved by the Village and the Stormwater Management Plan dated December 14, 2016.
3. Upon the date this permit is issued, 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.

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: Inspection, Testing, and Maintenance

1. The Property Owner shall adequately maintain the Stormwater Management Facilities.
 - A. Adequate maintenance is defined as good working condition so that these facilities are performing their design functions. The Property Owner must perform inspection testing and maintenance on the Stormwater Management Facilities biannually. Inspection and maintenance shall be completed in spring between April 15 and May 15 and fall between October 15 and November 15.
 - B. The Property Owner shall hire a licensed professional engineer with working knowledge of porous pavement to complete the biannual Stormwater Management inspection and testing.
 - C. Biannual inspection, testing, and maintenance of the porous pavement shall include but not be limited to the following:
 - a. Vacuuming with a street sweeper and power washing
 - b. Inspecting the sand filter
 - c. Inspecting and rating the porous pavement conditions
 - d. Remedies and corrective actions for any defect and failing testing identified on the Inspection report.
 - D. Permeability testing per ASTM C1701 shall be completed during the spring inspection cycle (April 15 to May 15). The pervious pavement parking sections shall have permeability tests taken every 1800 SF of total pervious pavement area. The permeability tests shall be distributed so that at least one test occurs at each pervious pavement parking section.
 - E. The Property Owner shall submit a Village approved Inspection Report as proof of compliance with the required maintenance. The 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 and shall include all, but not be limited to the following: pavement condition report, permeability rate and locations of tests, sweeping/vacuuming, sand filter condition, or any work completed on the porous pavement that will affect the operation on the facility.
 - F. If damage or distress to the porous pavement is noted that requires replacement, porous pavement shall be used to repair the damaged or distressed area. If the filter media requires replacement, it shall be replaced with a similar media, approved by the Engineering Department. If another

material other than material approved by the Engineering Department is used to repair damaged or distressed pavement areas or used to replace the filter media, the property owner has (30) days from the date of notice from the Village to take appropriate measures to replace the pavement areas and filter media with suitable material.

- G. If for any reason other than the negligence or other wrongful conduct of the Village, the existing Stormwater Management Facilities are no longer working as intended and generally accepted maintenance or correction applications are no longer feasible, the Property Owner shall replace the existing Stormwater Management Facility with a new Stormwater Management Facility approved by the Village of Menomonee Falls Engineering Department.
- H. In addition to biannual inspection, The Property Owner must visually inspect the Stormwater Management Facilities within 3 days after any rainfall event of 5.8 inches or greater during a 24-hour duration to ensure it operated properly.

2. The Property Owner will perform or otherwise be responsible for the maintenance of the Stormwater Management Facilities. 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.

Schecterle Commercial Properties 6, LLC

By: Brian Schecterle
Brian Schecterle, Managing Member

Date: 2/15/17

State of Wisconsin)
) ss.
County of Waukesha)

Personally came before me this 15 day of February, 2017, the above named Brian Schecterle, to me known to be the person(s) who executed the foregoing instrument in their respective official capacity and acknowledged that they executed the foregoing instrument.

Notary Public

Brady Mulroy
Waukesha County, Wisconsin

My Commission Expires on May 8, 2018

BRADY MULROY
NOTARY PUBLIC
STATE OF WISCONSIN

NOTARY SEAL

Village of Menomonee Falls

By Thomas M. Hoffman
Director of Engineering Services

Date: 2/21/2017



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