

Document Number

Post Construction Runoff
Permit No. PCP2015-01

Document Title

4349897

REGISTER OF DEEDS
WAUKESHA COUNTY, WI
RECORDED ON

July 13, 2018 11:13 AM
James R Behrend
Register of Deeds

6 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

MNFV 0009-987-011 &
MNFV 0009-987-017

Parcel Identification Number (PIN)

Due
30/ce
MNFV



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

POST-CONSTRUCTION RUNOFF PERMIT NO. PCP2018-06

Village of Menomonee Falls

Property Owner: CP-26, LLC & Selzer-Ornst Co.

Stormwater Application No. SWA2015-01

Tax Key: MNFV0009987011 & MNFV 0009987017

Parcel: Lot 3 of Certified Survey Map No. 11278 as recorded in the certified survey land records of Waukesha County, Volume111, Pages 168 to 176, Document 4126646.

&

Outlot 1 of Certified Survey Map No. 11721 as recorded in the certified survey land records of Waukesha County, Volume111, Pages 312-316, Document 4345708 as further shown on Exhibit A attached hereto ("Property"). MNFV

THIS PERMIT SHALL REPLACE THE POST-CONSTRUCTION RUNOFF PERMIT PCP2015-01 RECORDED WITH THE REGISTER OF DEES, WAUKESHA COUNTY, WISCONSIN AS DOCUMENT # 4219843 .

The Village of Menomonee Falls reviewed Stormwater Permit Application No. SWA2015-01 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 (i) a Site Plan approved by the Village, which is included in the Stormwater Management Plan dated December 8, 2014 **AND REVISED ON MAY 7, 2018** 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 ¶2 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: Scott J. Yauck, Member

Date: June 19, 2018

State of Wisconsin)

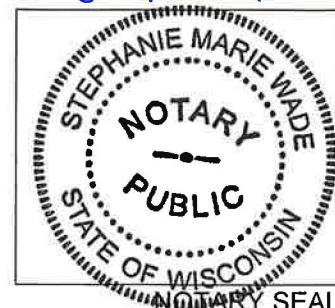
County of Milwaukee) ss.

Personally came before me this 19th day of June, 2018, the above named Scott Yauck, 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

Milwaukee County, Wisconsin

My Commission Expires on July 1, 2019



Selzer-Ornst Co.

By:

Name:

Title:

STATE OF WISCONSIN

)

) ss

COUNTY OF MILWAUKEE)

This instrument was acknowledged before me on the 19 day of June 2018, by
Robert Ornst, as the President of Selzer-Ornst Co.

Stephanie Marie Wade
Notary Public, State of Wisconsin
My
Commission: July 1, 2019



Village of Menomonee Falls

By:

Thomas M. Hoffman
Director of Engineering & Development

Date: June 20, 2018



This instrument was drafted by:

Thomas M. Hoffman, P.E.

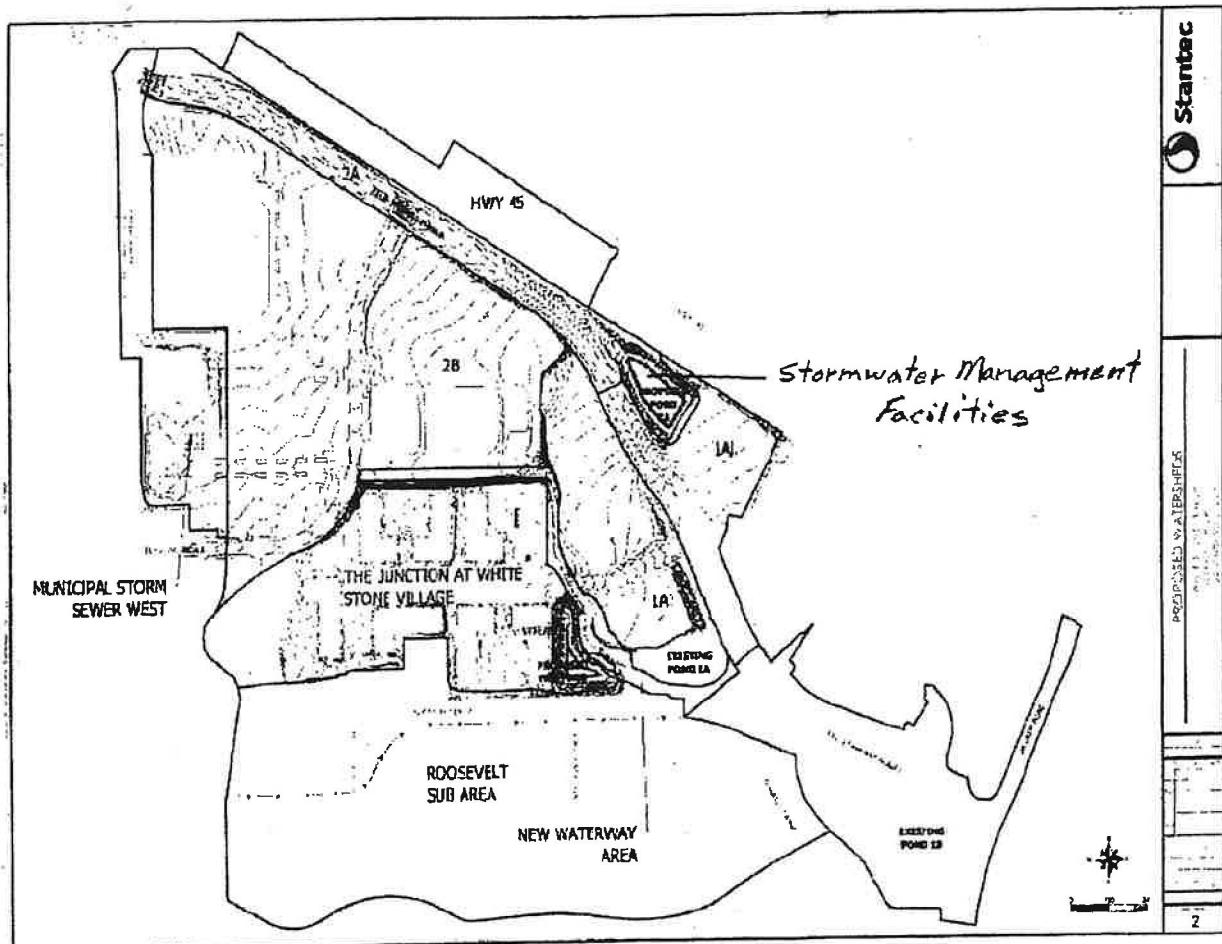
Director of Engineering & Development

Village of Menomonee Falls

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.