



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

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July 9, 2007

Megal Development Corporation  
12650 W. Lisbon Rd.  
Brookfield, WI 53005

Attn: Rhody Megal

**Re: Stormwater Facilities Operation, Inspection & Maintenance Agreement**  
**Tax Key Nos. 0005.002.012**  
**0005.002.013**

Dear Mr. Megal,

Please find enclosed a signed copy and the recorded copy of the Stormwater Facilities Operation, Inspection & Maintenance Agreement for your development on County Line Road for your records. It contains recording information showing proof of recording by the Waukesha County Register of Deeds.

Also, please find enclosed Invoice #ES-048 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 Public Works/Engineering  
Jonathan M. Bretl, Civil Engineer I  
Dave Bate, Financial Services  
Easements & Acquisitions File  
Vault

000507 MAY 11 5

3480202



WC3480202-010

STORMWATER FACILITIES  
OPERATION, INSPECTION &  
MAINTENANCE AGREEMENT

DOCUMENT TITLE

REGISTER'S OFFICE  
WAUKESHA COUNTY, WI  
RECORDED ON

05-11-2007 12:15 PM

MICHAEL J. HASSLINGER  
REGISTER OF DEEDS

REC. FEE: 22.00  
REC. FEE-CO: 5.00  
REC. FEE-ST: 2.00  
TRAN. FEE:  
TRAN. FEE-STATE:  
PAGES: 10

Recording Data

Return to:

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

*Rec  
2/21/10  
MNFV*

Megal Development Corporation

Tax Key Nos. MNFV 005.002.012  
005.002.013

# STORMWATER FACILITIES OPERATION, INSPECTION, & MAINTENANCE AGREEMENT

Village of Menomonee Falls

THIS AGREEMENT is between Megal Development 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 and Lot 2 of Certified Survey Map 10178 as recorded by deed in the land records of Waukesha County, Volume 96, Pages 32-34, Document Number 3372348 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 (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 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.
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.

IN WITNESS WHEREOF, Rhody J. Megal has caused this Agreement to be signed this 19th day of April, 2007.

By: Rhody J. Megal  
Rhody J. Megal, President

State of Wisconsin )  
  ) Ss.  
County of Waukesha)

Personally came before me this 19th day of April, 2007, the above named Rhody J. Megal to me known to be the person who executed the foregoing instrument in his respective official capacity as 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.

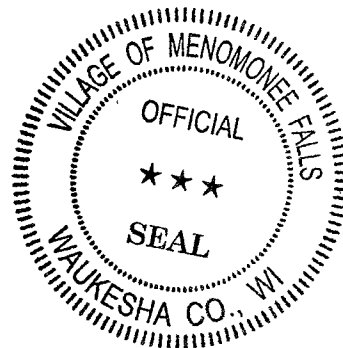
Michael C. Chmurski  
Notary Public Michael C. Chmurski  
Waukesha County, Wisconsin  
My Commission Expires on 10/31/08

\*\*\*\*\*  
Approved by the Board of Trustees of the Village of Menomonee Falls on the 16<sup>th</sup> day of April, 2007.

VILLAGE OF MENOMONEE FALLS

Richard A. Rechlicz  
Richard A. Rechlicz, Village President

Jonathan M. Bretl  
Jonathan M. Bretl, Deputy  
Clerk



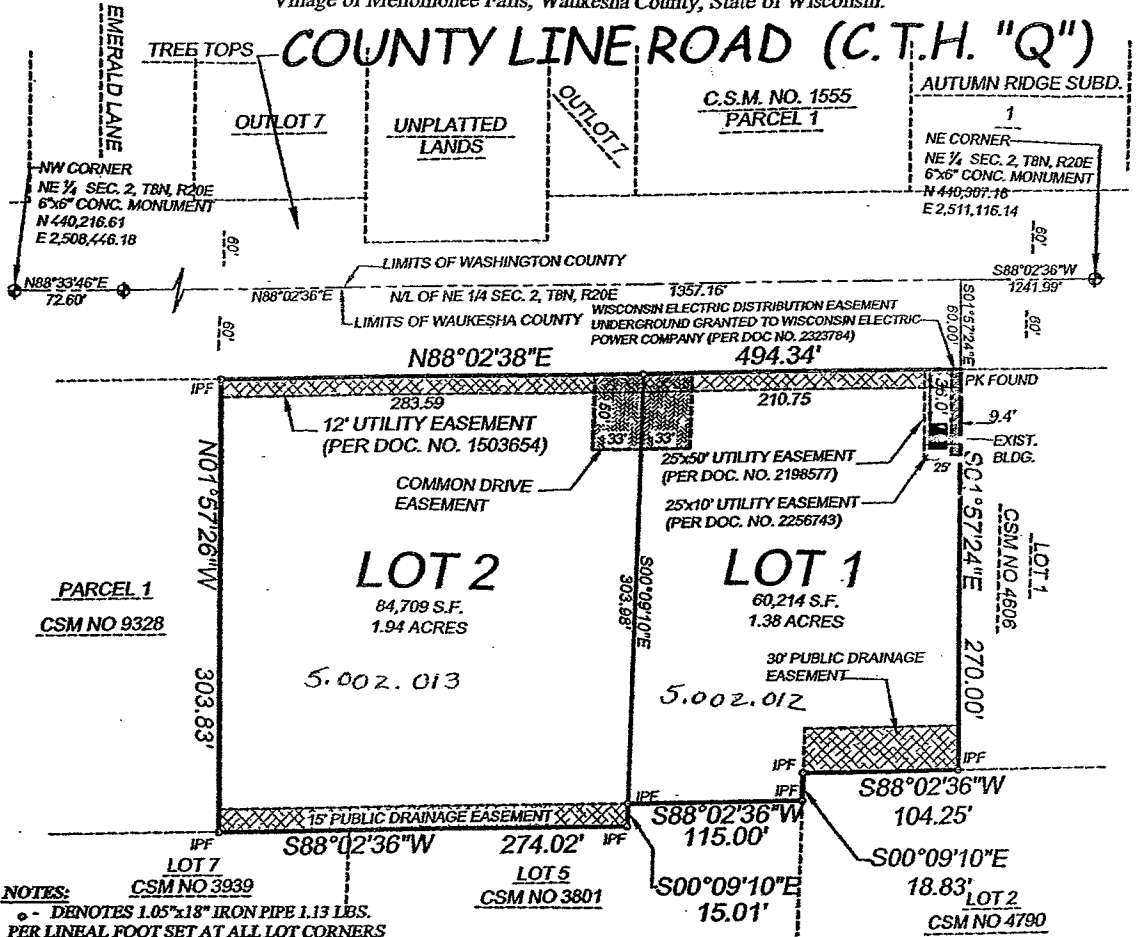
This instrument was drafted by  
The Village of Menomonee Falls  
Jonathan M. Bretl  
Date: March 29, 2007

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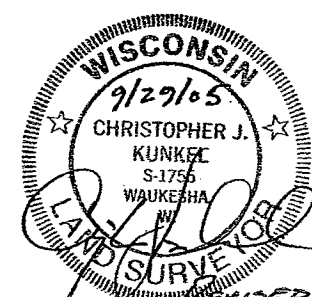
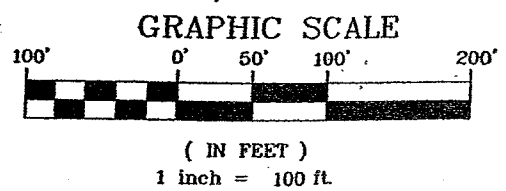
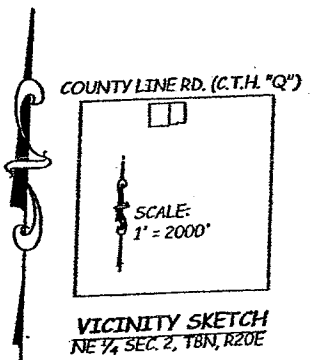
**Exhibit "A"**

**CERTIFIED SURVEY MAP NO. 10178**

Being a redivision of Parcel 2 of Certified Survey Map No. 9328, a redivision of Parcel "H" of Certified Survey Map No. 4606, in the NE 1/4 of fractional Section 2, T8N, R20E, in the Village of Menomonee Falls, Waukesha County, State of Wisconsin.



- NOTES:**
- DENOTES 1.05"x18" IRON PIPE 1.13 LBS. PER LINEAL FOOT SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE
  - BEARINGS REFER TO THE WISCONSIN STATE PLANE CO-ORDINATES SYSTEM SOUTH ZONE
  - LOTS 1 AND 2 ARE LIMITED TO A SHARED DRIVEWAY AT THE COMMON LOT LINE
  - ALL ELECTRIC, TELEPHONE, AND COMMUNICATION DISTRIBUTION LINES AND LATERALS INCLUDING CATV CABLES, CONSTRUCTED AFTER THE RECORDING OF THIS CERTIFIED SURVEY MAP SHALL BE PLACED UNDERGROUND.
  - ALTHOUGH ALL THE LOTS IN THIS CERTIFIED SURVEY MAP HAVE BEEN REVIEWED AND APPROVED FOR DEVELOPMENT FOR INDUSTRIAL USE IN ACCORDANCE WITH SECTION 236 WISCONSIN STATUTES, SOME LOTS CONTAIN SOIL CONDITIONS WHICH, DUE TO THE POSSIBLE PRESENCE OF BEDROCK NEAR THE GROUND SURFACE, MAY REQUIRE ADDITIONAL SOIL ENGINEERING AND FOUNDATION DESIGN WITH REGARD TO BASEMENT CONSTRUCTION. IT IS RECOMMENDED THAT EITHER A LICENSED PROFESSIONAL ENGINEER OR OTHER SOILS EXPERT BE CONSULTED REGARDING THE CONSTRUCTION OF BASEMENTS IN THESE AREAS WHERE BEDROCK MAY BE PRESENT NEAR THE GROUND SURFACE. SOIL CONDITIONS SHOULD BE SUBJECT TO EACH OWNERS SPECIAL INVESTIGATION PRIOR TO CONSTRUCTION AND NO SPECIFIC REPRESENTATION IS MADE HEREIN.



THIS INSTRUMENT DRAFTED BY CHRISTOPHER J. KUNKEL S-1755

**EDGEWOOD ENGINEERING GROUP INC.**  
civil engineering land surveying site planning  
571 W2325 NATIONAL AVE. STE. 5 BIG BEND WISCONSIN 53103  
(262)662-5082 Fax (262)662-5082

**CERTIFIED SURVEY MAP NO. 10178**

Being a redivision of Parcel 2 of Certified Survey Map No. 9328, a redivision of Parcel "H" of Certified Survey Map No. 4606, in the NE 1/4 of fractional Section 2, T8N, R20E, in the Village of Menomonee Falls, Waukesha County, State of Wisconsin.

**SURVEYOR'S CERTIFICATE:**

STATE OF WISCONSIN)  
:SS  
WAUKESHA COUNTY)

**LEGAL DESCRIPTION:**

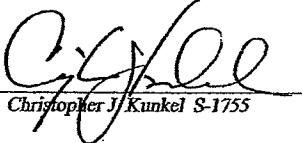
I Christopher J. Kunkel, Registered Land Surveyor, do hereby certify: that I have surveyed, divided, and mapped a redivision of Parcel 2 of Certified Survey Map No. 9328, a redivision of Parcel "H" of Certified Survey Map No. 4606, in the NE 1/4 of fractional Section 2, T8N, R20E, in the Village of Menomonee Falls, Waukesha County, State of Wisconsin: Commencing at a the NE Corner of said NE 1/4, Section 2 THENCE S88°02'36"W along the north line of said NE 1/4, Section 2, 1,241.99 feet; THENCE S01°57'24"E, 60.00 feet; to the POINT OF BEGINNING; THENCE continuing S01°57'24"E, 270.00 feet; THENCE S88°02'36"W, 104.25 feet; THENCE S00°09'10"E, 18.83 feet; THENCE S88°02'36"W, 115.00 feet; THENCE S00°09'10"E, 15.01 feet; THENCE S88°02'36"W, 274.02 feet; THENCE N01°57'26"W, 303.83 feet to the south line County Line Road (C.T.H. "Q"); THENCE N88°02'38"E along the south line County Line Road (C.T.H. "Q"), 494.34 feet; to the POINT OF BEGINNING.

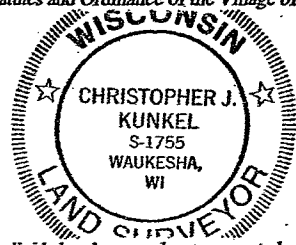
Said lands containing 144,924 square feet or 3.3270 acres, more or less.

That I have made this survey, land division and map by direction of LDJ HOLDING LLC, owner.

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

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

Date: 9/29/05  
REVISED 11/16/05  
  
Christopher J. Kunkel S-1755




**OWNER'S CERTIFICATE**

As owner, I hereby certify that I have caused the land described above to be surveyed, divided and mapped as represented on this map in accordance with the requirements of Ordinances of the Village of Menomonee Falls, and that this map is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection: Village of Menomonee Falls

Witness the hand and seal of said owner this 17 day of 11, 2005

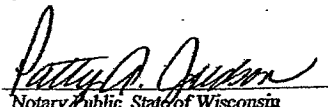
In the presence of:

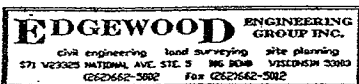
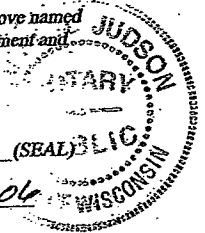
LDJ HOLDINGS LLC.

  
Larry Johns

STATE OF WISCONSIN)  
:SS  
WAUKESHA COUNTY)

PERSONALLY, came before me this 17 day of November, 2005 the above named Larry Johns, representing LDJ HOLDINGS, LLC., to me known to be the persons who executed the foregoing instrument and acknowledged the same.

  
Notary Public, State of Wisconsin  
My commission expires 08/06/06  
My commission is permanent.



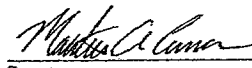


**CERTIFIED SURVEY MAP NO. 10178**

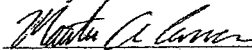
Being a redivision of Parcel 2 of Certified Survey Map No. 9328, a redivision of Parcel "H" of Certified Survey Map No. 4606, in the NE 1/4 of fractional Section 2, T8N, R20E, in the Village of Menomonee Falls, Waukesha County, State of Wisconsin.

PLAN COMMISSION APPROVALS

Preliminary Approval November 8, 2005

  
Secretary

Final Approval November 8, 2005

  
Secretary

VILLAGE BOARD APPROVAL

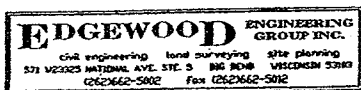
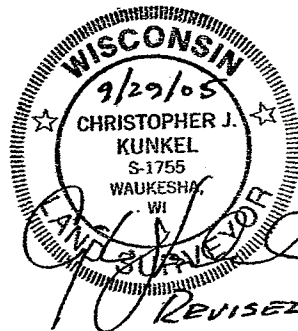
RESOLVED that the Certified Survey Map of LDJ HOLDING, LLC, owner of said lands, being a part of the NW 1/4 of the NE 1/4 of Section 2, T8N, R20E, in the Village of Menomonee Falls, Waukesha County, Wisconsin, having been approved by the Plan Commission and the same is hereby approved and accepted by the Village Board of Trustees of the Village of Menomonee Falls on November 21, 2005.

  
RICK RECHLICZ, VILLAGE PRESIDENT

  
RICHARD A. FARRENKOPF  
VILLAGE MANAGER/CLERK-TREASURER



Recorded on March 24, 2006  
in Document Number 3372348  
Volume 96, Pages 32-34.



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**Exhibit "B"**

COUNTY LINE ROAD (C.T.H. "Q")

SHEET  
L=54  
S=0.664  
T=0.15

SHALLOW  
PAVED  
L=40  
S=0.013

PROPOSED BUILDING  
F.F.E.-811.30  
LOT 2  
84,709 S.F.  
1.94 ACRES

SHALLOW  
PAVED  
L=46.7  
S=0.046

SCALE 1" = 40'

LOT 1  
CSM NO 4606

SHALLOW,  
L=216,  
S=0.049

LOT 2  
CSM NO 4790

Post-Develo AD  
FILE NO. WAU-470

LOT 5  
CSM NO 3801

EXISTING BUILDING

EXISTING ASPHALT  
LOT 7

PARCEL 1  
CSM NO 9328

21115W 915000