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NE 1/4 SEC 27



WC3476122-014

STORMWATER FACILITIES  
OPERATION, INSPECTION &  
MAINTENANCE AGREEMENT

3476122

REGISTER'S OFFICE  
WAUKESHA COUNTY, WI  
RECORDED ON

04-26-2007 1:56 PM

MICHAEL J. HASSLINGER  
REGISTER OF DEEDS

REC. FEE: 30.00  
REC. FEE-CO: 5.00  
REC. FEE-ST: 2.00  
TRAN. FEE:  
TRAN. FEE-STATE:  
PAGES: 14

DOCUMENT NO.

DOCUMENT TITLE

Recording Data

Return to:

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

Kohler Lane Self Storage, LLC

Tax Key No. MNFV 0105.997.001

*Due  
3/14  
MNFV*

# STORMWATER FACILITIES OPERATION, INSPECTION, & MAINTENANCE AGREEMENT

Village of Menomonee Falls

THIS AGREEMENT is between Kohler La. Self Storage LLC, (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: Parcel 2 of Certified Survey Map 4424 as recorded by deed in the land records of Waukesha County, Volume 35, Pages 163-169, Document Number 1234359, 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 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.



001196 APR 26 8

Exhibit "A"

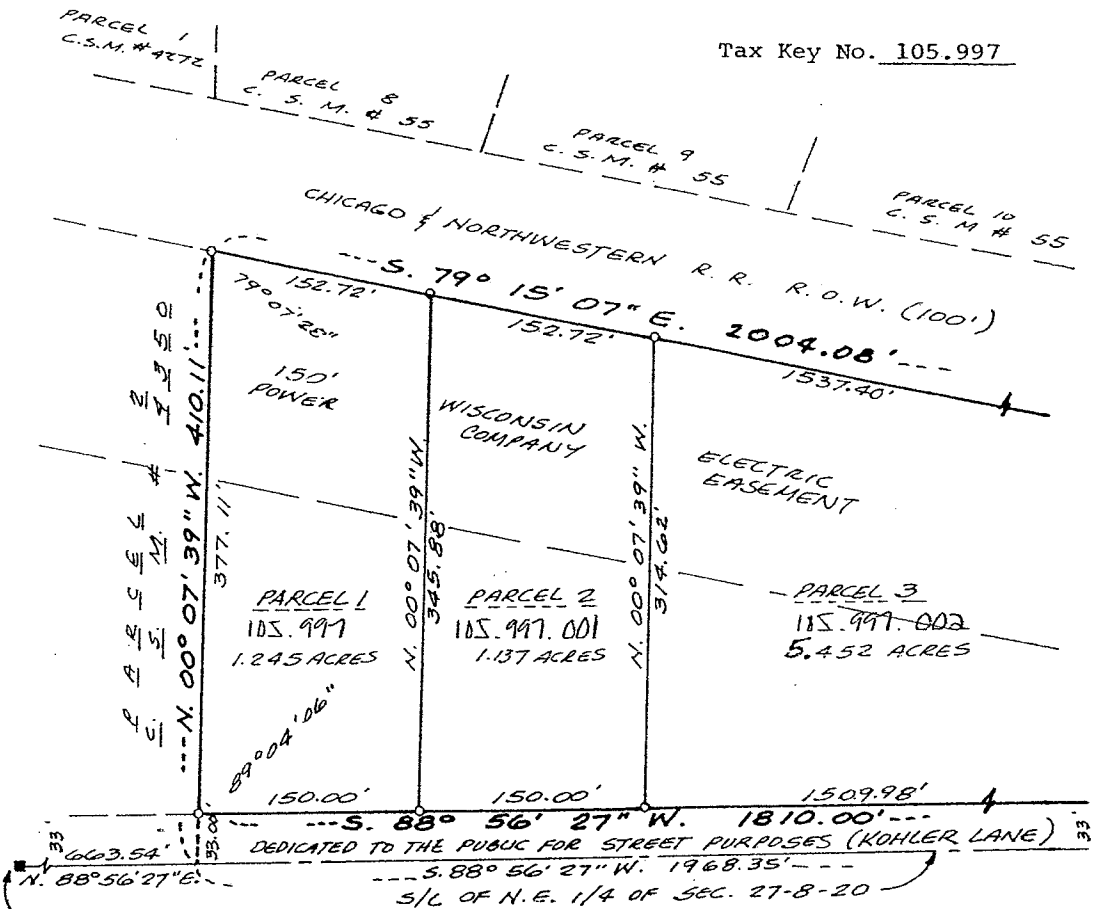
001197 APR 26 5

FOR 985-A

H.C. Meyer Company

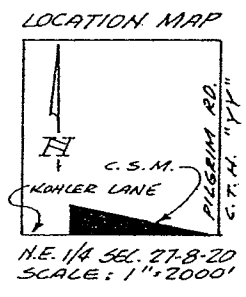
CERTIFIED SURVEY MAP No. 4424  
Being a part of the Northeast 1/4 of Section 27, Township 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin.

Tax Key No. 105.997



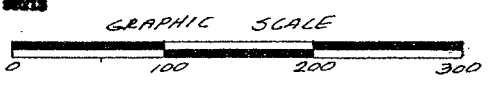
S.W. CORNER OF  
N.E. 1/4 SEC. 27-8-20  
N. 416, 268.69  
E. 2, 503, 211.34

NOTE:  
O INDICATES 1" X 24" IRON PIPE WGT. 1.13 LBS. PER LINEAL FOOT.  
ALL BEARINGS ARE REFERENCED TO THE WEST OF THE N.E. 1/4 OF SEC. 27-8-20 WHICH IS ASSUMED TO BEAR N. 00° 08' 14" W.  
■ INDICATES U.S. PUBLIC LAND SURVEY CORNER, MARKED BY 6" X 6" X 3/16" CONC. MONUMENT WITH BRASS CAP, ACCORDING TO THE RECORDS OF THE CONTROL SURVEY & SUMMARY DIAGRAM FOR SECTION SURVEYS IN THE VILLAGE OF MENOMONEE FALLS.



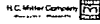
Wisconsin Land Surveyors, Ltd.  
2885 NORTH 7TH STREET  
WAUKESHA, WISCONSIN 53183

SCALE: 1" = 100'



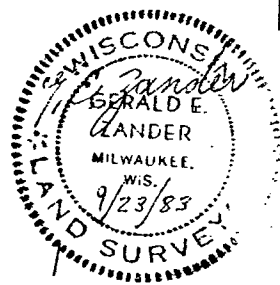
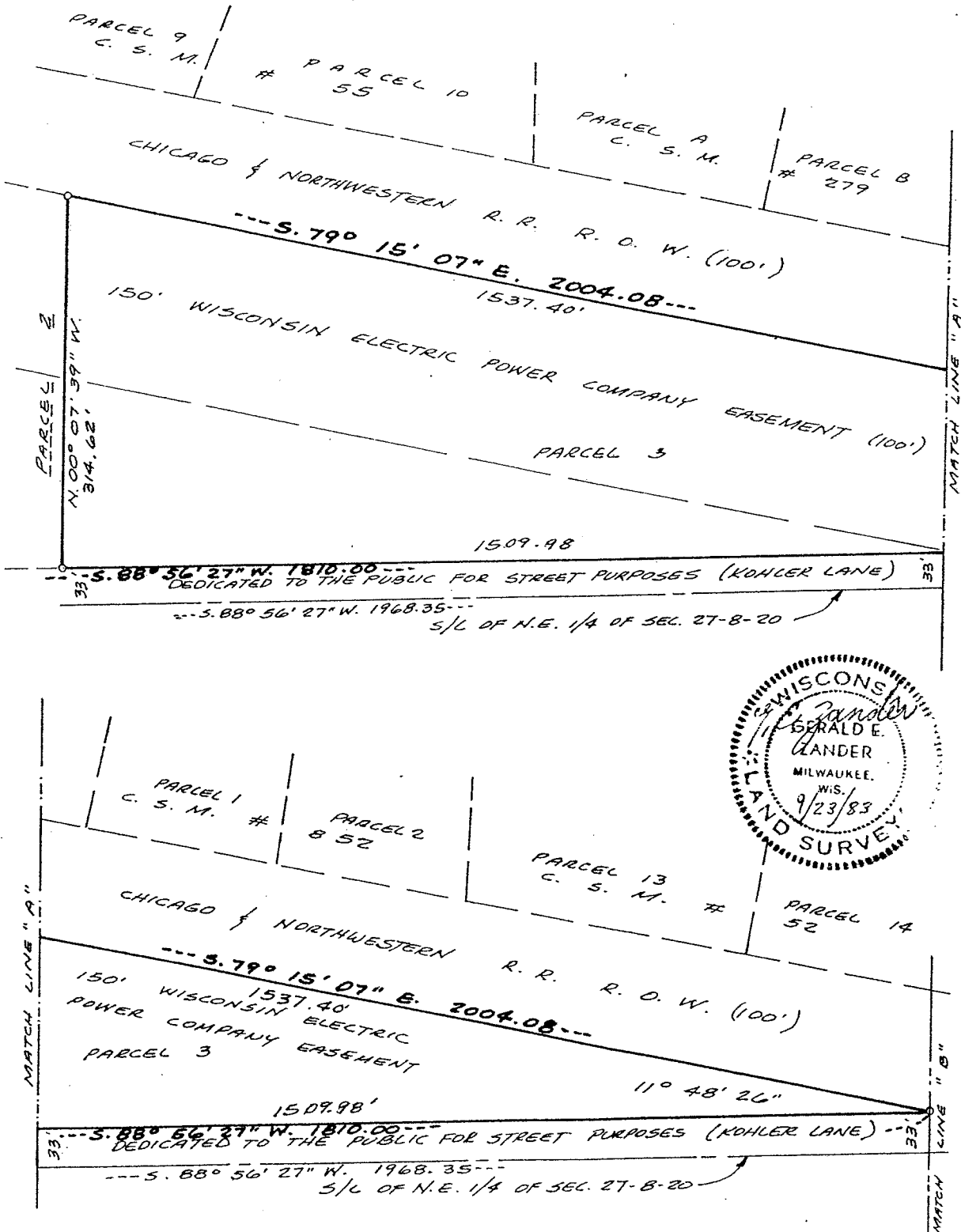
001198 APR 26 5

FOR 985-A

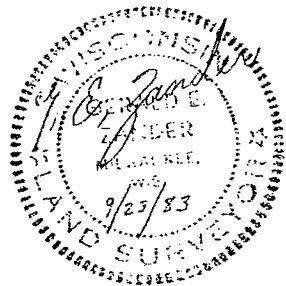
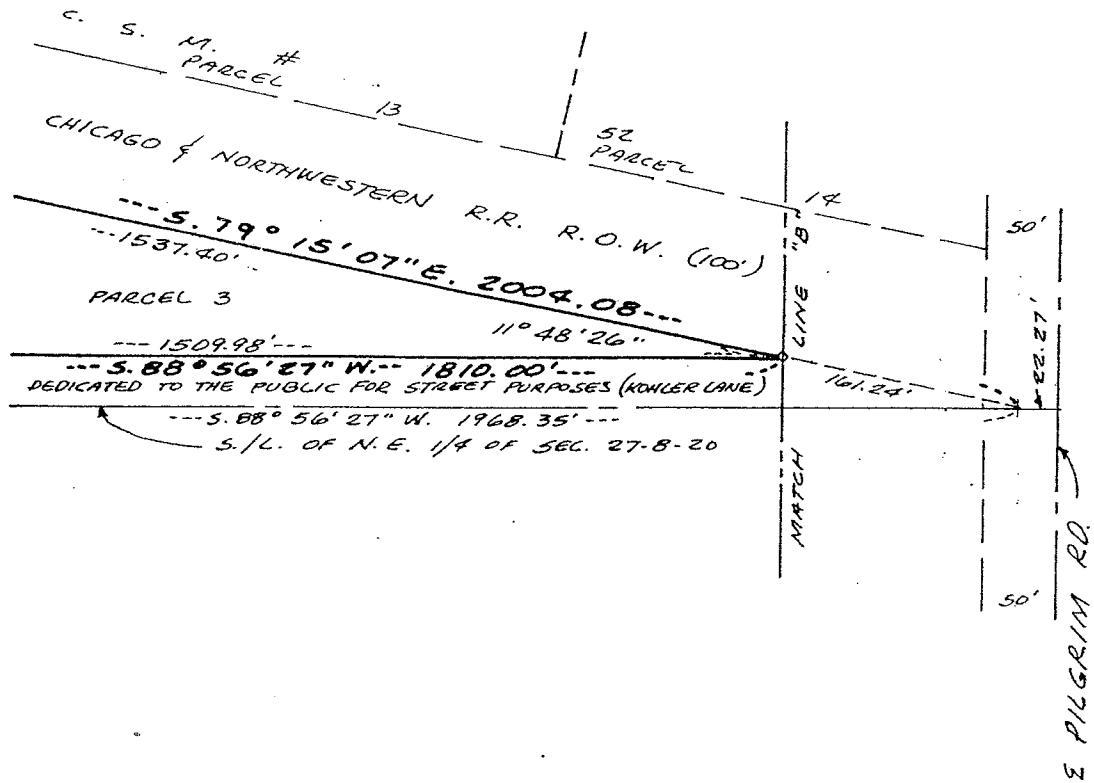


CERTIFIED SURVEY MAP NO. 4424

Being a part of the Northeast 1/4 of Section 27, Township 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin.



CERTIFIED SURVEY MAP No. 4424  
 Being a part of the Northeast 1/4 of Section 27, Township 8 North, Range  
 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin.





CERTIFIED SURVEY MAP No. 4424  
Being a part of the Northeast 1/4 of Section 27, Township 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin.

SURVEYORS CERTIFICATE:

I, Gerald E. Zander, registered land surveyor, hereby certify:

THAT I have surveyed, divided and mapped a part of the Northeast 1/4 of Section 27, Township 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin. Bounded and described as follows: Commencing at the Southwest corner of said Northeast 1/4 of Section 27; Thence North 88°-56'-27" East on and along the South line of said 1/4 Section, 663.54 feet to a point; Thence West 33.00 feet to the place of beginning of the lands to be described; Thence continuing North 00°-07'-39" West 410.11 feet to a point; Thence South 79°-15'-07" East 2004.08 feet to a point on the centerline of Kohler Lane, as dedicated by this map; Thence South 88°-56'-27" West along the centerline of Kohler Lane 1966.35 feet to the place of beginning, containing 9.265 acres of land more or less and subject to Kohler Lane along the South line.

THAT I have made such survey, land division and map by the direction of Elmer Burke and Thomas M. Croke, Guardian of the Estate of Edward Burke, Owner's 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 I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the Ordinances of the Village of Menomonee Falls, in surveying, dividing and mapping the same.

Dated this 23rd day of September, 1983.

*Gerald E. Zander*  
Gerald E. Zander R.L.S.  
No. S-67



CERTIFIED SURVEY MAP No. 4424

Being a part of the Northeast 1/4 of Section 27, Township 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin.

OWNER'S CERTIFICATE OF DEDICATION:

As, Owner, I hereby certify that I have caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this certified survey map, in accordance with the ordinances of the Village of Menomonee Falls.

I further certify that as Owner, We are the only persons holding an interest in the fee of record or being in possession of said land, and that all electric, telephone and communication distribution lines and laterals, including CATV cables constructed after the recording of this map shall be placed underground.

STATE OF WISCONSIN (

Waukesha : ss  
~~XXXXXXXXXX~~ County )

Elmer Burke  
Elmer Burke - Owner

H. H. Winston  
H. H. Winston - Witness

Personally came before me this 8th day of October, 1983, the above named Elmer Burke, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Shirley A. Sheer  
Shirley A. Sheer - Notary Public  
State of Wisconsin

My commission (is) (expires)

7-14-85



OWNER'S CERTIFICATE OF DEDICATION:


As, Owner, I Edward Burke, by the legal guardian of My Estate, Thomas M. Croke, Atty. hereby certifies that, I have caused the land described on this certified survey map to be surveyed, divided, mapped and dedicated as represented on this certified survey map in accordance with the ordinances of the Village of Menomonee Falls.

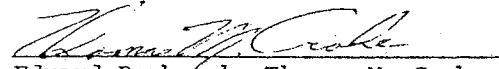
I further certify that as Owner, We are the only persons holding an interest in the fee of record or being in the possession of said land, and that all electric, telephone and communication distribution lines and laterals including CATV cables, constructed after the recording of this map, shall be placed underground.

(continue on Sheet 5)

CERTIFIED SURVEY MAP No. 4424  
Being a part of the Northeast 1/4 of Section 27, Township 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin.

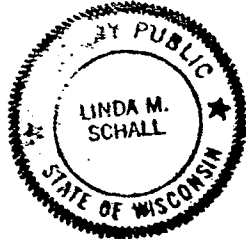
OWNER'S CERTIFICATE OF DEDICATION: (continued)


  
H. H. WINSTON - Witness

  
Edward Burke, by Thomas M. Croke, Att  
legal Guardian for the Estate of  
Edward Burke.

STATE OF WISCONSIN ( : SS  
MILWAUKEE COUNTY )

Personally came before me this 3rd day of October, 1983. the above named THOMAS M. CROKE, Atty. to me known to be the legal Guardian for the Estate of Edward Burke, and to be the person who executed the foregoing instrument and acknowledged the same.





  
LINDA M. SCHALL - Notary Public  
State of Wisconsin

My commission ~~XXX~~ (expires)

12-16-84

MENOMONEE FALLS PLAN COMMISSION:

Preliminary Approval 10/13/83   
date William E. Freisleben  
Executive Secretary

Final Approval 10/13/83   
William E. Freisleben  
Executive Secretary



CERTIFIED SURVEY MAP No. 4424  
Being a part of the Northeast 1/4 of Section 27, Township 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin.

VILLAGE BOARD APPROVAL:

RESOLVED, that the part of the Northeast 1/4 of Section 27, Township 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin; Having been approved by the plan commission, being the same is hereby approved and the dedication herein accepted by the Village Board of Trustees of the Village of Menomonee Falls, on this 17 day of October, 1983.

Robert Steliga  
Robert Steliga - Resident

I, hereby certify that the foregoing is a copy of a resolution adopted by the Village Board of Trustees of the Village of Menomonee Falls, Wisconsin on 10/17/83.

Patricia A. Struve  
Patricia A. Struve - Village Clerk

Recorded 10-26-83, Doc. # 1234359, Vol. 35 Page 163-  
169

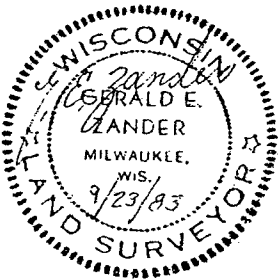


Exhibit "B"





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

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June 4, 2007

Arnold Gross  
16135 Tarrytown Rd.  
Brookfield, WI 53005

**Re: Stormwater Facilities Operation, Inspection & Maintenance Agreement  
Kohler Lane Self Storage, LLC  
Tax Key No. 0105.997.001**

Dear Mr. Gross,

Please find enclosed a signed copy and the recorded copy of the Stormwater Facilities Operation, Inspection & Maintenance Agreement for the Kohler Lane Self Storage property for your records. It contains recording information showing proof of recording by the Waukesha County Register of Deeds.

Also, please find enclosed Invoice #ES-047 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  
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