

3694404



WC3694404-008

POST-CONSTRUCTION  
RUNOFF PERMIT

DOCUMENT TITLE

REGISTER'S OFFICE  
WAUKESHA COUNTY, WI  
RECORDED ON

09-22-2009 9:41 AM

JAMES R. BEHREND  
REGISTER OF DEEDS

REC. FEE: 10.00  
REC. FEE-CO: 5.00  
REC. FEE-ST: 2.00  
TRAN. FEE:  
TRAN. FEE-STATE:  
PAGES: 8

Recording Data

Return to:

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

Kohl's Department Stores  
Campbell Drive Parking Lot

Tax Key No. MNFV 0142.999.005

*MNFV*  
*Rec*  
*25*  
*8*



Village of Menomonee Falls  
 W156 N8480 Pilgrim Road  
 Menomonee Falls, WI 5305-3140  
 Telephone: (262) 532-4200

## POST-CONSTRUCTION RUNOFF PERMIT NO. PCP2009-03

Village of Menomonee Falls

Property Owner: KOHL'S DEPARTMENT STORES Stormwater Application No. SWA2009-03

Tax Key: MNFV0142999005

Parcel: Lot 2 of Certified Survey Map No. 4570 as recorded by deed in the land records of Waukesha County, Volume 36, Pages 280-281, Document 1265448.

The Village of Menomonee Fall reviewed Stormwater Permit Application SWA2009-03 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 a Site Plan approved by the Village, which is included in the Stormwater Management Plan dated August 7, 2009.
2. The Property Owner shall construct all detention basins, retention basins, outlet structures, inlet structures, storm sewer, underground storage facility, swales, berms or any structure and grading associated with stormwater management thee "Stormwater Management Facilities" pursuant to a Site Plan approved by the Village.
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. The Stormwater Management Facilities will be accepted only after the Village approves the as-built plans and inspection report.
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.

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

By *James R. Eigenschenk*  
Print Name: JAMES R. EIGENSCHENK.

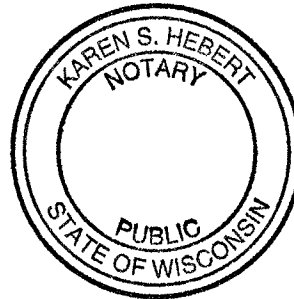
Date: 9/11/2009

State of Wisconsin  
County of Waukesha

This instrument was acknowledged before me on September 11, 2009  
by James Eigenschenk as corporate officer of KOHLS DEPARTMENT STORES.

*Karen S. Hebert*  
(Signature of notarial officer) Karen S. Hebert

Title (and Rank)  
My commission expires: 12/26/10

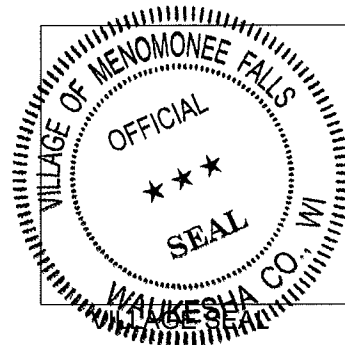


NOTARY SEAL

**Village of Menomonee Falls**

By *Jonathan M. Bretl*  
Director of Engineering Services

Date: 9/11/2009



This instrument was drafted by  
The Village of Menomonee Falls  
Jonathan M. Bretl  
Date: September 10, 2009

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 and the Property Owner agrees to hold the Village harmless from any liability in the event the storm water management facilities fail to operate properly.

#### Section II: Maintenance

1. 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 after any rainfall event of 0.5 inches or greater.
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. The Property Owner will perform or otherwise be responsible for the maintenance of the Stormwater Management Facilities as described in the approved Stormwater Management Plan submitted with application SWA2009-03 on file at Village Hall. 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.



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

## APPLICATION FOR STORMWATER PERMIT

### 1. Parcel Description

Project Name: Kohl's - Campbell Road Parking Lot  
 Address: 4134 N5450 CAMPBELL DR  
 Lot: 1 Block: \_\_\_\_\_ CSM: 4570 Location: EAST CORNER OF CAMPBELL / WOODME DR.  
 Estimated area to be disturbed ( SQFT ) ± 125,000 S.F.  
 Total area of impervious surface: Existing \_\_\_\_\_ Proposed \_\_\_\_\_  
 (Paved surfaces, roofs, gravel, parking etc...) 94,000 S.F. 156,000 S.F.

### 2. Contact Information

Applicant: Kohl's / Jim EIGEN SCHENK Phone #: 262-703-1688  
 Address: N57 W17000 RICHWOOD DR. Fax #: 262-703-7105  
MENOMONEE FALLS, WI 53051 Cell #: \_\_\_\_\_  
 Engineer: LANDSCAPE SURV: ENGR / AARON KOCH Phone #: 414-609-0674  
 Address: 2077 S. 116<sup>TH</sup> ST. Fax #: 414-609-0677  
WEST ALLIS, WI 53227 Cell #: \_\_\_\_\_

**Applicant:** The person or entity holding fee title to the property or their representative. The applicant shall sign the initial permit application form in accordance with the items 1 – 5 listed below, after which the applicant may provide written authorization for others to serve as the applicant's representative: 1) In the case of a corporation, by a principal executive officer of at least the level of vice-president or by the officer's authorized representative having overall responsibility for the operation of the site for which a permit is sought; 2) In the case of a limited liability company, by a member or manager; 3) In the case of a partnership, by the general partner; 4) In the case of a sole proprietorship, by the proprietor, or; 5) For a unit of government, by a principal executive officer, ranking elected official or other duly authorized representative.

**Engineer:** The primary contact for the preparation of erosion control and Storm water management plans. All plan review comments will be addressed to this Contact. For all storm water plans and other engineering, this person must: 1) be a licensed P.E. in Wisconsin; 2) stamp P.E. number and sign all plans submitted as part of permit; and 3) oversee and verify construction of all practices

### 3. Application Requirements

The application to the Village of Menomonee Falls Engineering Department for a Stormwater Management Permit must include submission of the following:

- Completed and Signed Stormwater Management Permit Application
- Non-Refundable Permit Review Fee
- Future Operation, Maintenance, and Inspection Schedule and Practices
- Three (3) complete copies of the Stormwater Management Plan prepared by a Professional Engineer licensed by the State of Wisconsin as required in Chapter 38, Article of Village of Menomonee Falls Code of Ordinances and including the minimum documentation listed below

#### Project Documentation:

(Check boxes below indicating that you have provided the following minimum information)

IN PROCESS

IN PROCESS

- A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.
- Identify all operations for the project site and the portions over which each operator has control.
- The applicant has certified on the drawings that all clearing, grading, drainage, construction and development shall be conducted in strict accordance with the plan.
- Soils investigation (by a Certified Soil Evaluator or Certified Professional Soil Scientist) including borings or test pits, to a depth greater than 4 ft. below estimated seasonal ground water for areas where construction of water quality and quantity practices will occur.
- Existing and proposed impervious areas. (in acreage)
- Estimated seasonal high groundwater elevation (November to April) in areas to be used for storm water retention, detention, or infiltration (by a Certified Soil Evaluator or Certified Professional Soil Scientist).
- Type of methodology used for the stormwater analysis along with pre and post developed release rates ( or volumes if using the volumetric method )
- A description & delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which storm water flows.
- A delineation of 100-year flood plains, if applicable.
- The existing and proposed vegetation and ground surfaces with runoff coefficient for each.
- A drainage area map showing pre and post construction watershed boundaries, drainage area, storm water flow paths, and receiving water with 1 foot contours ( not to exceed 1" = 100').
- A description and drawings of all components of the proposed drainage system including:
  - 1) the structural details for all components of the proposed drainage systems and storm water management facilities (including size, inverts, and grade);
  - 2) all measures for the detention, retention or infiltration of water;
  - 3) all measures for the protection of water quality;
  - 4) notes on drawings specifying materials to be used, construction specifications, and typicals;
  - 5) the existing and proposed site hydrology with supporting drainage calculations (including the design storms);
  - 6) proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable;
  - 7) location, cross sections, and profiles of all potentially impacted brooks, streams, drainage swales and their method of stabilization; and
  - 8) proposed ownership of drainage system structures.
- Estimate of the total area expected to be disturbed by excavation, grading or other construction activities.
- A description and location of all measures (i.e. Best Management Practices) that

will be implemented as part of the construction activity to control pollutants in storm water discharges. A description of when each control measure will be implemented in the construction schedule, which operator is responsible for the implementation of each control measure and a maintenance and inspection schedule for each control measure during construction.

- Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization.

#### 4. Application Submission, Review, and Approval Procedures

1. **Application Submittal:** The application to the Village of Menomonee Falls Engineering Department for a Stormwater Management Permit must be submitted prior to or concurrently with any land use permit application. Submission of an application should be made to the Village of Menomonee Falls, Engineering Department, W156 N8480 Pilgrim Road, Menomonee Falls, WI 53051. For more information and copies of the Village of Menomonee Falls Stormwater Ordinance visit the village website at [www.menomonee-falls.org](http://www.menomonee-falls.org) or contact the Engineering Department at (262) 532-4400.
2. **Review:** If the application is found to be complete, the Village of Menomonee Falls Engineering Department will review the application and supporting documents based on the criteria set forth in Chapter 38, Article V, in the Village of Menomonee Falls Code of Ordinance and will take final action within 30 business days of the receipt of a complete application unless such time is extended by agreement between the applicant and the Engineering Department.
3. **Final Action:** The Village of Menomonee Falls Engineering Department's final action will be sent to the applicant and the appropriate Village Department(s) and Board(s).

#### 5. Certification

By Signing Below,

1. I hereby certify that the information contained herein including all attachments is true, accurate and complete to the best of my knowledge.
2. I acknowledge that the Village of Menomonee Falls and its authorized agent(s) will be rendering decisions on storm water management permit applications for the project within the Village of Menomonee Falls jurisdiction.
3. I grant the Village of Menomonee Falls and their agent(s) permission to enter the property to review this application and make inspections during and after construction.
4. I will accept the Terms and Conditions set forth in the Post Construction Runoff Permit.

Applicant's Signature

*J. R. Eigenschenk*

Date

6/17/09

Print Name:

JAMES R. EIGENSCHENK

-----FOR OFFICE USE ONLY-----

Date Received: \_\_\_\_\_ Fee: \_\_\_\_\_

Plan Title: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_

Application #: \_\_\_\_\_