

101238 SEP 14 08



WC3693010-008

POST-CONSTRUCTION
RUNOFF PERMIT

DOCUMENT TITLE

3693010

REGISTER'S OFFICE
WAUKESHA COUNTY, WI
RECORDED ON

09-14-2009 3:25 PM

JAMES R. BEHREND
REGISTER OF DEEDS

REC. FEE: 18.00
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

Woodman's Food Market

Tax Key No. MNFV 0048.985

*Due
26
8/*



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

POST-CONSTRUCTION RUNOFF PERMIT NO. PCP2009-05

Village of Menomonee Falls

Property Owner Woodman's Food Market, Inc. Stormwater Application No. SWA2009-05

Tax Key: MNFV0048985

Legal Description: PT SE1/4 SEC 12 T8N R20E COM SE COR N88 57'W 70.02 FT THE
 BGN N88 57'W 603.04 FT N47 13'W 355.76 FT S42 46'W 12.00 FT
 N47 13'W 538.45 FT N00 19'W 791.66 FT S88 59'E 1304.89 FT S00
 10'E 294.80 FT S88 59'E 9.00 FT S00 10'E 165.00 FT N88 59'W 9.00
 FT S00 10'E 719.00 FT N89 59'W 37.01 FT S00 10'E 200.00 FT TO
 BGN EX VOL 181/447 DEEDS EX VOL 556/407 DEEDS EX VOL
 1185/275 DEED R2874/715 EX DOC# 2613763

The Village of Menomonee Fall reviewed Stormwater Permit Application SWA2009-05 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 June 19, 2009.
2. The Property Owner shall construct all 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") 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.

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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 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 SWA2009-05 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.

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

Woodman's Food Market, Inc.

By

Bret Backus, Vice President

Date: Sept. 05, 2009

State of Wisconsin

County of Dane

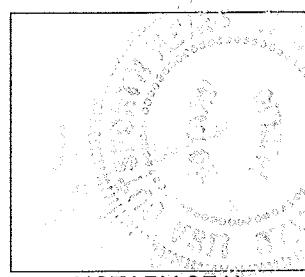
This instrument was acknowledged before me on Sept. 5, 2009 by Bret Backus as Vice President of Woodman's Food Market, Inc.

Lisa M. Cutforth Reyes

(Signature of notarial officer)

Title (and Rank)

My commission expires: April 28, 2013



NOTARY SEAL

Village of Menomonee Falls

By

Thomas M. Hoffman

Director of Engineering Services

Date: 9/9/2009



This instrument was drafted by
The Village of Menomonee Falls
Thomas M. Hoffman, PE

August 4, 2009

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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: Woodman's Food Market

Address: W124 N8011 Highway 145

Lot: _____ Block: _____ CSM: _____ Location: Highway 145 & Leon Road, Tax Key: MNFV0048985

Estimated area to be disturbed (SQFT) 1,481,040 SF

Total area of impervious surface: Existing _____ Proposed _____

(Paved surfaces, roofs, gravel, parking etc...) 41,818 SF 1,075,932 SF

2. Contact Information

Applicant: Gary Fox w/Building Systems General Corp Phone #: (608) 276-4400

Address: 5972 Executive Drive, Suite 100 Fax #: (608) 276-4468
Madison, WI 53719 Cell #: _____

Engineer: Aaron Schneider Phone #: (262) 317-3230

Address: R.A. Smith National Fax #: (262) 781-8466
16745 W. Bluemound Road Cell #: _____
Brookfield, WI 53005

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)

- 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

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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 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

Date JUNE 18, 2009

Print Name: GARY W. FOX

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

Date Received: _____ Fee: _____

Plan Title: _____

Reviewed by: _____

Date: _____

Application #: _____