

POST-CONSTRUCTION
RUNOFF PERMIT

DOCUMENT NO.

DOCUMENT TITLE

3831169

REGISTER OF DEEDS
WAUKESHA COUNTY, WI
RECORDED ON

April 29, 2011 11:08 AM
James R Behrend
Register of Deeds

4 PGS
TOTAL FEE: \$30.00
TRANS FEE: \$0.00
Book Page -



Recording Data

Return to:

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

Futura III, LLC (CVS Pharmacy)

Tax Key Nos. MNFV 0043.997.003
MNFV 0043.997.004

MNFV
04304



*Village of Menomonee Falls
W156 N8480 Pilgrim Road
Menomonee Falls, WI 53053-3140
Telephone: (262) 532-4200*

POST-CONSTRUCTION RUNOFF PERMIT NO. PCP2010-05

Village of Menomonee Falls

Property Owner: FUTURA III LLC Stormwater Application No.: SWA2010-05

Tax Key: MNFV0043997003 & MNFV0043997004

Legal Description: PARCEL 1 CERT SURV 9785 VOL 90/268 1.921 AC PT SW1/4 SEC 11 T8N R20E
R2727/45 & DOC# 2725809

PARCEL 2 CERT SURV 9785 VOL 90/268 2.895 AC PT SW1/4 SEC 11 T8N R20E
R2727/45 & DOC# 2725809

The Village of Menomonee Fall reviewed Stormwater Permit Application SWA2010-05 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.

The obligations assumed by the Property Owner under the terms of this permit may be transferred or assigned, with the consent of the Village, which consent shall not be unreasonably withheld; provided, however, that any person, firm, or entity assuming the responsibilities or obligations of the Property Owner, or the benefits conferred upon the Property Owner by this permit, shall be bound by all terms, conditions, and commitments imposed upon the Property Owner under the terms of this permit. The assignment of this permit shall relieve the Property Owner of any of the transferring Property Owner's obligations under the terms of this permit.

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 October 22, 2010.
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.
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 SWA2010-07 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.

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

FUTURA III LLC

By James Griffin
James Griffin, Sole Member

Date: 4/21/11

State of Wisconsin
County of Waukesha

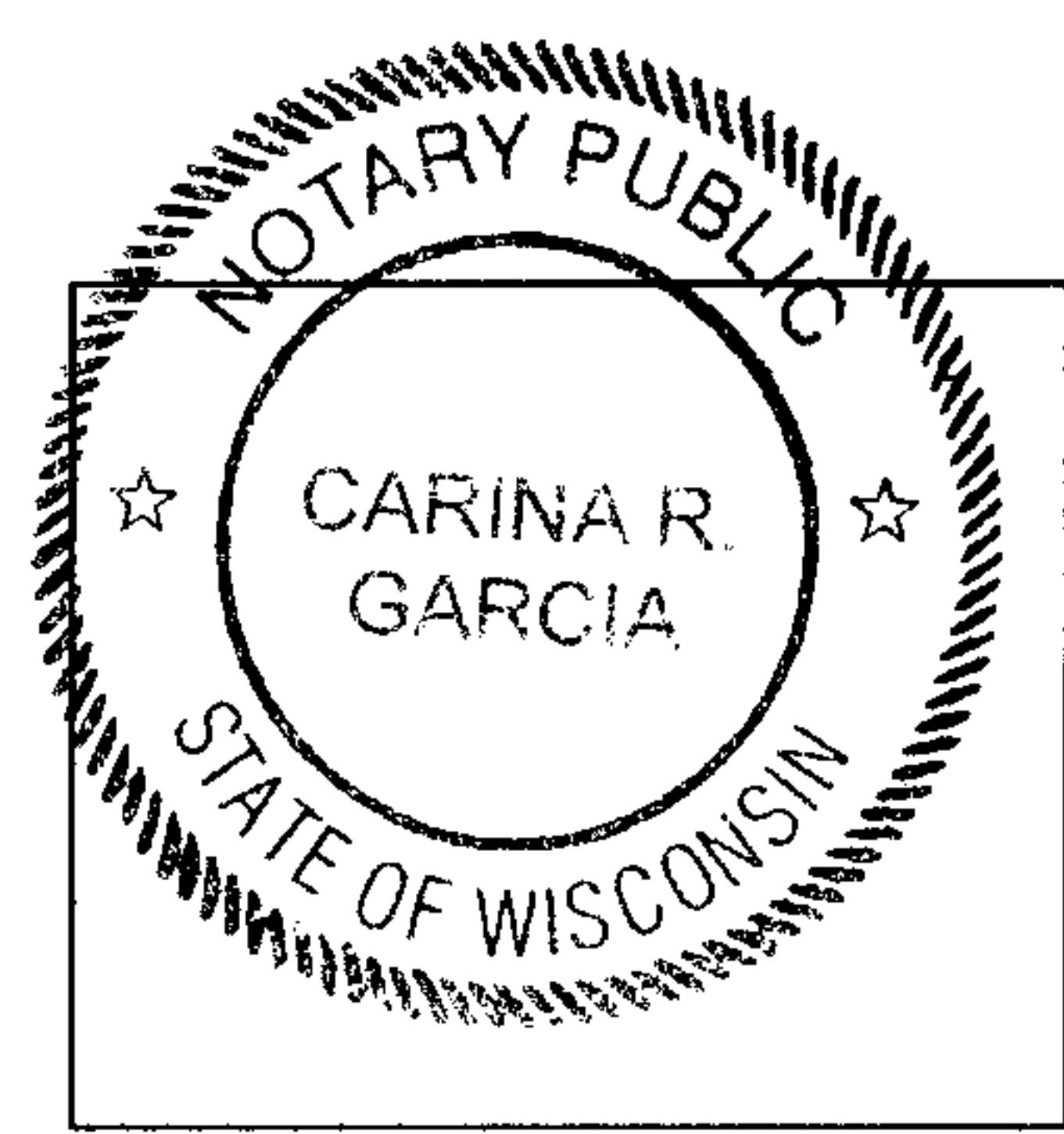
This instrument was acknowledged before me on April 21, 2011 by James Griffin, as Sole Member of FUTURA III LLC.

Carina R. Garcia

(Signature of notarial officer)

Title (and Rank)

My commission expires: Permanent

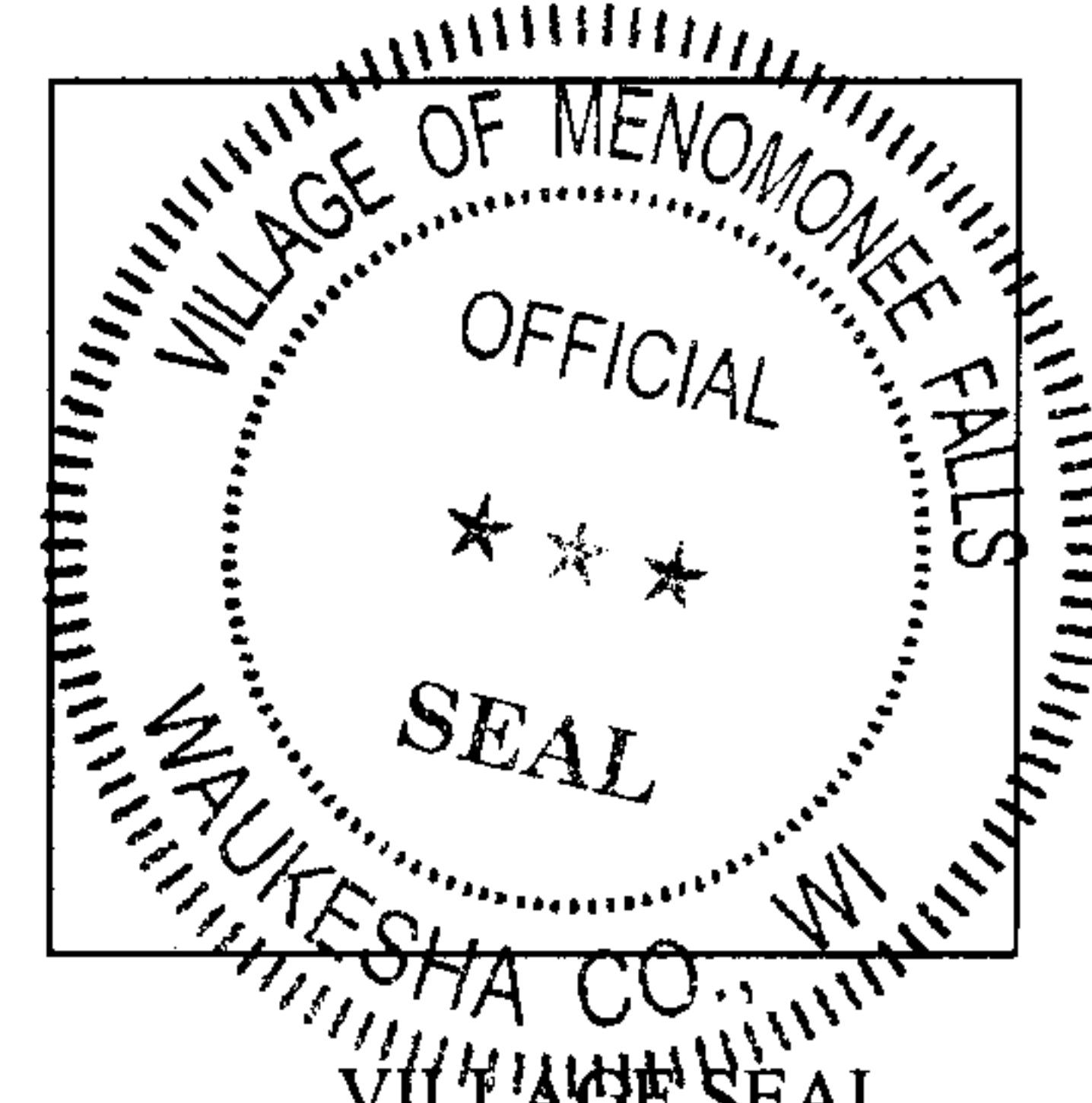


NOTARY SEAL

Village of Menomonee Falls

By Signature
Director of Engineering Services

Date: 4/21/2011



This instrument was drafted by
The Village of Menomonee Falls
Jon Bretl
February 21, 2011