

Storm Water Management Practice Maintenance Agreement

Document Number

Coast Car Wash LLC, as “Owner” of the property described below, in accordance with Chapter 32 City of Waukesha Storm Water Management and Erosion Control, agrees to install and maintain storm water management practice(s) on the subject property in accordance with approved plans and Storm Water Management Plan conditions. The owner further agrees to the terms stated in this document to ensure that the storm water management practice(s) continues serving the intended functions in perpetuity. This Agreement includes the following exhibits:

Exhibit A: Legal Description of the real estate for which this Agreement applies (“Property”).

Exhibit B: Location Map(s) – shows an accurate location of each storm water management practice affected by this Agreement.

Exhibit C: Maintenance Plan – prescribes those activities that must be carried out to maintain compliance with this Agreement.

Note: After construction verification has been accepted by the City of Waukesha, for all planned storm water management practices, an addendum(s) to this agreement shall be recorded by the Owner showing design and construction details. The addendum(s) may contain several additional exhibits, including certification by City of Waukesha of Storm Water and Erosion Control Permit termination, as described below.

Name and Return Address

City of Waukesha
130 Delafield Street
Waukesha, WI 53188

Parcel Identification Number(s) – (PIN)

Through this Agreement, the Owner hereby subjects the Property to the following covenants, conditions and restrictions:

1. The Owner shall be responsible for the routine and extraordinary maintenance and repair of the storm water management practice(s) and drainage easements identified in Exhibit B until Storm Water and Erosion Control Permit termination by the City of Waukesha in accordance with Chapter 32 of the City Code of Ordinances.
2. After Storm Water and Erosion Control Permit termination under 1., the current Owner(s) shall be solely responsible for maintenance and repair of the storm water management practices and drainage easements in accordance with the maintenance plan contained in Exhibit C.
3. The Owner(s) shall, at their own cost, complete inspections of the storm water management practices at the time intervals listed in Exhibit C, and conduct the inspections by a qualified professional, file the reports with the City of Waukesha after each inspection and complete any maintenance or repair work recommended in the report. The Owner(s) shall be liable for the failure to undertake any maintenance or repairs. After the work is completed by the Contractor, the qualified professional shall verify that the work was properly completed and submit the follow-up report to the City within 30 days.
4. In addition, and independent of the requirements under paragraph 3 above, the City of Waukesha, or its designee, is authorized to access the property as necessary to conduct inspections of the storm water management practices or drainage easements to ascertain compliance with the intent of this Agreement and the activities prescribed in Exhibit C. The City of Waukesha may require work to be done which differs from the report described in paragraph 3 above, if the City of Waukesha reasonably concludes that such work is necessary and consistent with the intent of this agreement. Upon notification by the City of Waukesha of required maintenance or repairs, the Owner(s) shall complete the specified maintenance or repairs within a reasonable time frame determined by the City of Waukesha.
5. If the Owner(s) do not complete an inspection under 3. above or required maintenance or repairs under 4. above within the specified time period, the City of Waukesha is authorized, but not required, to perform the specified inspections, maintenance or repairs. In the case of an emergency situation, as determined by the City of Waukesha, no notice shall be required prior to the City of Waukesha performing emergency maintenance or repairs. The City of Waukesha may levy the costs and expenses of such inspections, maintenance or repair related actions as a special charge against the Property and collected as such in accordance with the procedures under s. 66.0627 Wis. Stats. or subch. VII of ch. 66 Wis. Stats.

6. This Agreement shall run with the Property and be binding upon all heirs, successors and assigns. After the Owner records the addendum noted above, the City of Waukesha shall have the sole authority to modify this agreement upon a 30-day notice to the current Owner(s).

Dated this ___ day of _____, 201_.

Owner:

(Owners Signature)

Mike Klumb, Managing Member

Acknowledgements

State of Wisconsin:
County of Waukesha

Personally came before me this ___ day of _____, 2017, the above name Mike Klumb, Managing member of Coast Car Wash, to me known to be the person who executed the foregoing instrument and acknowledged the same.

[Name]
Notary Public, Waukesha County, WI
My commission expires:_____.

This document was drafted by:

**JRM Consulting LLC
3904 Oakmont Trail
Waukesha, WI 53188_____**

For Certification Stamp

City of Waukesha Common Council Approval

Dated this ____ day of _____, 201_.

Shawn N. Reilly, Mayor

Gina Kozlik, City Clerk

Acknowledgements

State of Wisconsin:
County of Waukesha

Personally came before me this ____ day of _____, 201_, the above named _____ to me known to be the person who executed the foregoing instrument and acknowledged the same.

[Name]
Notary Public, Waukesha County, WI
My commission expires: _____.

Exhibit A – Legal Description

The following description and reduced copy map identifies the land parcel(s) affected by this Agreement. For a larger scale view of the referenced document, contact the Waukesha County Register of Deeds office.

Project Identifier: **Coast Car Wash**

Acres: **2.11**

Date of Recording: **2017**

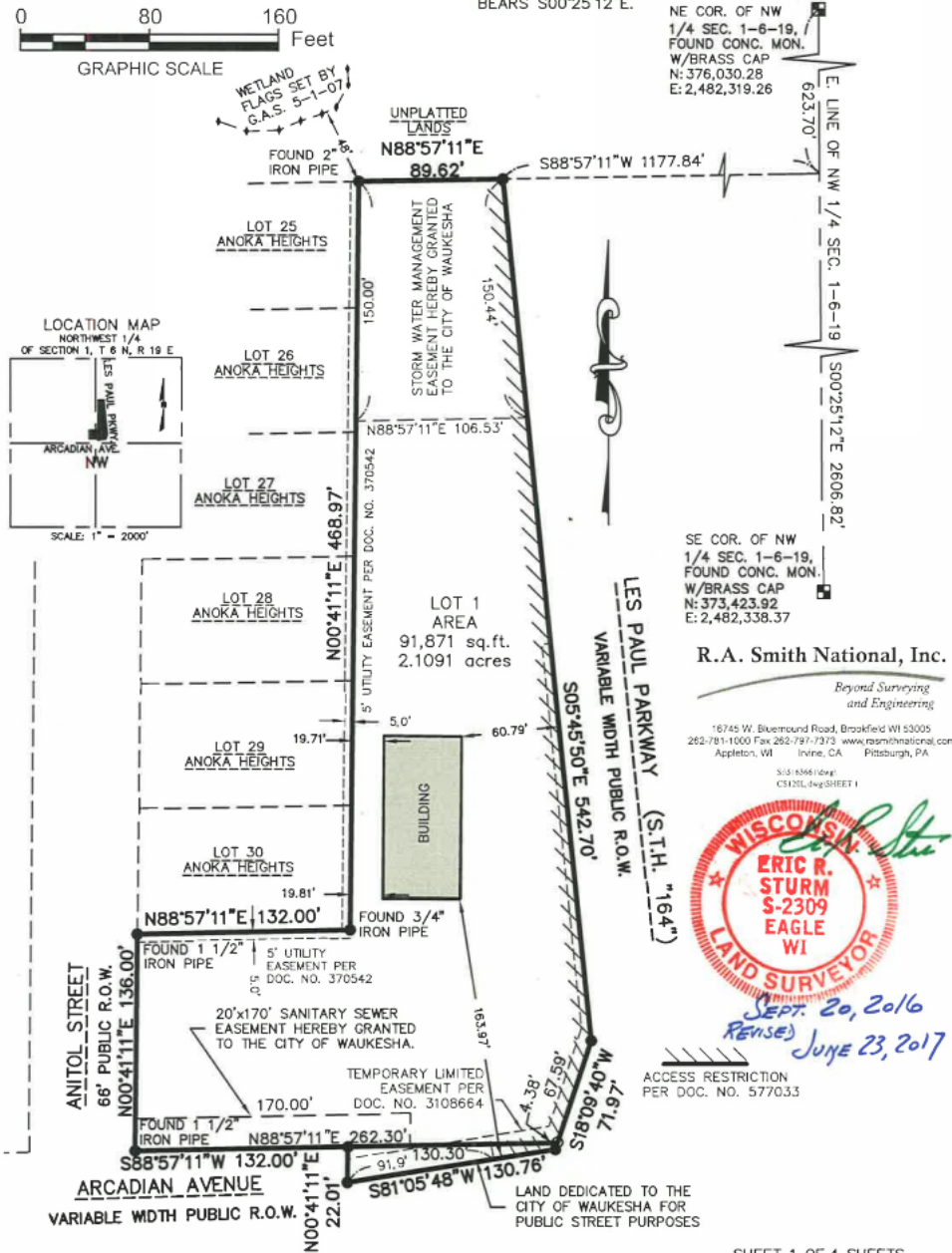
Map Produced By: **Eric Sturm, PLS**

Legal Description: **Lot 1 of Certified Survey Map being Part of the NW 1/4 of Section 1, Town 6 North, Range 19 East in the City of Waukesha, Waukesha County, Wisconsin**

A division of Lots 31 and 32 of Anoka Heights Subdivision and lands, being a part of the Northwest 1/4 and Northeast 1/4 of the Northwest 1/4 of Section 1, Township 6 North, Range 19 East, in the City of Waukesha, Waukesha County, Wisconsin.

- INDICATES 1" IRON PIPE (FOUND), UNLESS NOTED
- INDICATES SET 1.315" O.D. IRON PIPE AT LEAST 18" IN LENGTH, 1.68 LBS. PER LINEAL FOOT.

ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.
ALL BEARINGS ARE REFERENCED TO THE EAST LINE OF THE NW 1/4 OF SECTION 1, T 6 N, R 19 E, WHICH BEARS S00°25'12"E.



SE COR. OF NW 1/4 SEC. 1-6-19, FOUND CONC. MON. W/BRASS CAP N: 373,423.92 E: 2,482,338.37

R.A. Smith National, Inc.
Beyond Surveying and Engineering
16745 W. Bluemound Road, Brookfield WI 53005
262-781-1000 Fax 262-791-7373 www.ra-smithnational.com
Appleton, WI Irvine, CA Pittsburgh, PA

313-5566 (dial) CS125L (4q) SHEET 1
ERIC R. STURM
S-2309
EAGLE
WI
LAND SURVEYOR
JULY 20, 2016
REVISED JUNE 23, 2017

ACCESS RESTRICTION PER DOC. NO. 577033

Exhibit B - Location Map

Storm Water Management Practices Covered by this Agreement

The storm water management practices covered by this Agreement are depicted in the reduced copy of a portion of the construction plans, as shown below. The practices include one wet detention basin and one grass swale (conveying storm water to the biofiltration basin) and all associated pipes, earthen berms, rock chutes and other components of these practices. All of the noted storm water management practices are located within a drainage easement on Lot 1 of the Certified Survey Map, as noted in Exhibit A.

Subdivision Name: **Coast Car Wash**
 Stor Practices: **Biofiltration Basin**
 Loc Practices: **Easement on Lot 1 of CSM No.**
 Title : **Coast Car Wash**

Figure 1
Plan View of Storm Water Practices

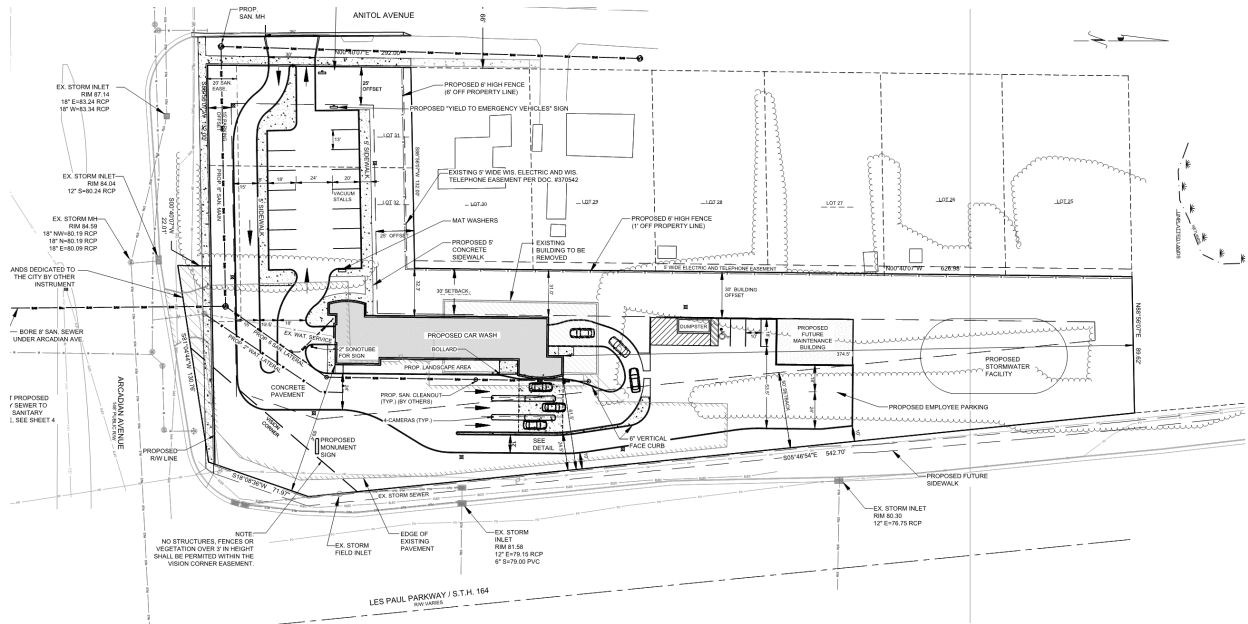


Figure 2
Enlarged Plan View of Storm Water Practices

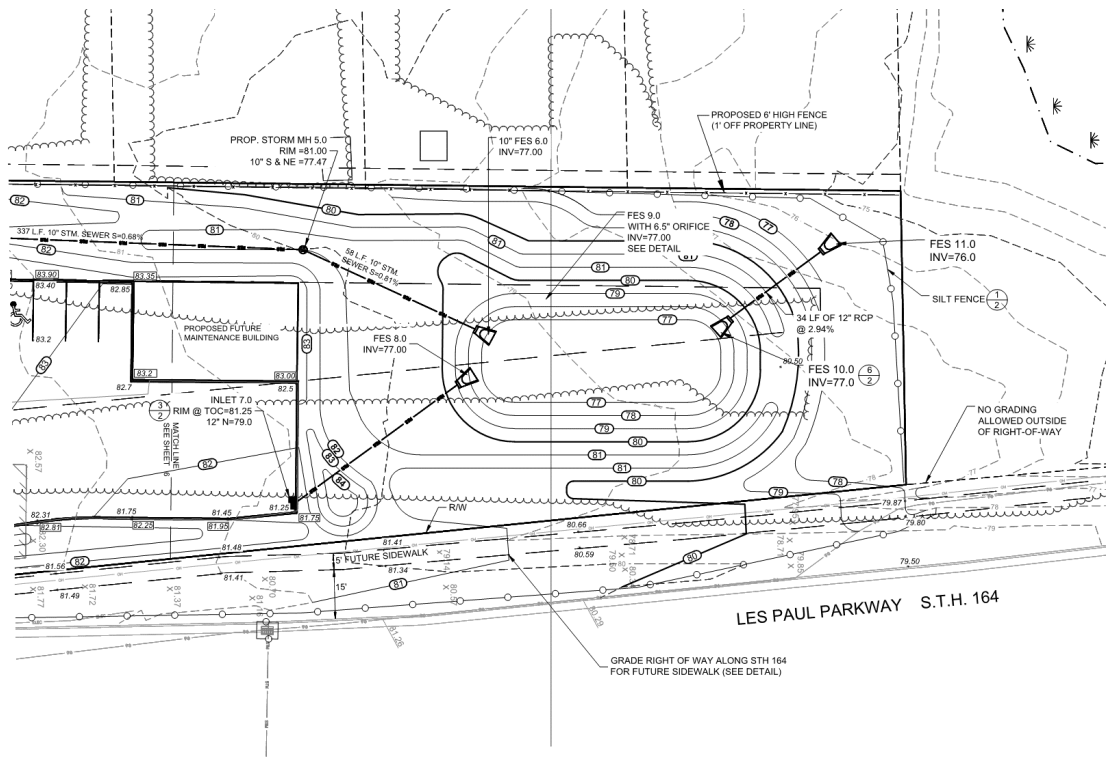


Exhibit C

Storm Water Practice Maintenance Plan

This exhibit explains the basic function of each of the storm water practices listed in Exhibit B and prescribes the minimum maintenance requirements to remain compliant with this Agreement. The maintenance activities listed below are aimed to ensure these practices continue serving their intended functions in perpetuity. The list of activities is not all inclusive, but rather indicates the minimum type of maintenance that can be expected for this particular site. Access to the stormwater practices for maintenance vehicles is shown in Exhibit B. Any failure of a storm water practice that is caused by a lack of maintenance will subject the Owner(s) to enforcement of the provisions listed on page 1 of this Agreement by the City of Waukesha.

System Description:

The basin has been designed as a biofiltration basin that will receive runoff from the site, parking lot, and building. A 12" storm sewer will act as the pond outlet structure. The basin will serve the purpose of groundwater recharge and maintaining pre-developed peak flow. There are 1.9 acres that drain into this basin. The water elevation in this basin is controlled by an outlet pipe and overflow swale. These are required to be field verified upon construction.

Minimum Maintenance Requirements:

To ensure the proper long-term function of the storm water management practices described above, the following activities must be completed:

1. All outlet pipes must be checked monthly to ensure there is no blockage from floating debris or ice, especially the washed stone in front of the 3-inch orifice and the trash rack on the riser in the main basin. Any blockage must be removed immediately. The washed stone must be replaced when it becomes clogged.
2. Grass swales shall be preserved to allow free flowing of surface runoff in accordance with approved grading plans. No buildings or other structures are allowed in these areas. No grading or filling is allowed that may interrupt flows in any way.
3. Grass swales, inlets and outlets must be checked after heavy rains (minimum of annually) for signs of erosion. Any eroding areas must be repaired immediately to prevent premature sediment build-up in the downstream forebays or basin. Erosion matting is recommended for repairing grassed areas.
4. NO trees are to be planted or allowed to grow on the earthen berms. Tree root systems can reduce soil compaction and cause berm failure. The berms must be inspected annually and any woody vegetation removed.
5. Invasive plant and animal species shall be managed in compliance with Wisconsin Administrative Code Chapter NR 40. This may require eradication of invasive species in some cases.
6. If the permanent pool falls below the safety shelf, a review shall be performed to determine whether the cause is liner leakage or an insufficient water budget. If the cause is leakage, the liner shall be repaired. Leakage due to muskrat burrows may require removal of the animals. If the permanent pool cannot be sustained at the design elevation, benching of the safety shelf may be necessary.
7. If floating algae or weed growth becomes a nuisance (decay odors, etc.), it must be removed from the basin or the forebay and deposited where it cannot drain back into the basin. Removal of the vegetation from the water reduces regrowth the following season (by harvesting the nutrients). Wetland vegetation must be maintained along the waters edge for safety and pollutant removal purposes.
8. When sediment in the forebays or the basin has accumulated to an elevation of three feet below the outlet elevation, it must be removed (see Exhibit D). All removed sediment must be placed in an appropriate upland disposal site and stabilized (grass cover) to prevent sediment from washing back into the basin. The forebays will likely need sediment removal first. Failure to remove sediment from the forebays will cause resuspension of previously trapped sediments and increase downstream deposition.
9. No grading or filling of the basin or berm other than for sediment removal is allowed, unless otherwise approved by the City of Waukesha.
10. Periodic mowing of the grass swales will encourage vigorous grass cover and allow better inspections for erosion. Waiting until after August 1 will avoid disturbing nesting wildlife. Mowing around the basin or the forebays may attract nuisance populations of geese to the property and is not necessary or recommended.
11. Any other repair or maintenance needed to ensure the continued function of the storm water practices or as ordered by the City of Waukesha under the provisions listed on page 1 of this Agreement.
12. The titleholder(s) or their designee must document all inspections as specified above. Documentation shall include as a minimum: (a) Inspectors Name, Address and Telephone Number, (b) Date of Inspections, (c)

Condition Report of the Storm Water Management Practice, (d) Corrective Actions to be Taken and Time Frame for Completion, (e) Follow-up Documentation after Completion of the Maintenance Activities. All documentation is to be delivered to the attention of the City Engineer at the City of Waukesha Engineering Department on January 10th and July 10th each year.

Addendum 1
Storm Water Management Practice
Maintenance Agreement

Document number

The purpose of this addendum is to record verified “as-built” construction details, supporting design data and permit termination documentation for the storm water management practice(s) located on Lot 1 of Certified Survey Map No. , described as being all that part of the Northwest Quarter (NW ¼) of Section 1, Township 6N, Range 19E (City of Waukesha) Waukesha County, Wisconsin. This document shall serve as an addendum to document # _____, herein referred to as the “Maintenance Agreement”. This addendum includes all of the following exhibits:

Exhibit D: Design Summary – contains a summary of key engineering calculations and other data used to design the wet detention basin.

Exhibit E: As-built Survey – shows detailed “as-built” cross-section and plan view of the wet detention basin.

Exhibit F: Engineering/Construction Verification – provides verification from the project engineer that the design and construction of the wet detention basin complies with all applicable technical standards and Waukesha County ordinance requirements.

Exhibit G: Storm Water Management & Erosion Control Permit Termination – provides certification by the City of Waukesha that the Storm Water and Erosion Control Permit for the above noted site has been terminated.

Dated this ___ day of _____, 201_.

Owner:

[Owners Signature – per the Maintenance Agreement]

Mike Klumb, Owner

Name and Return Address

Parcel Identification Number(s) – (PIN)

Acknowledgements

State of Wisconsin, County of Waukesha

Personally came before me this ___ day of _____, 2017, the above named Mike Klumb, to me known to be the person who executed the foregoing instrument and acknowledged the same.

[Name]

Notary Public, Waukesha County, WI

My commission expires: _____.

This document was drafted by:

JRM Consulting LLC
3904 Oakmont Trail
Waukesha, WI 53188

For Certification Stamp

Exhibit D Design Summaries for Biofiltration Basin

Project Identifier: Coast Carwash **Project Size:** 2.1 Acres **No. of Lots:** 1
Number of Runoff Discharge Points: 1 **Watershed (ultimate discharge):** Unnamed drainage ditch
Watershed Area (including off-site runoff traveling through project area): 1.9 acres

Hydrologic Analysis of Proposed Conditions

Drainage Area	Area (Acres)	Runoff Curve Number	Time of Conc. (Min.)	Peak Flow Rate (cfs)			
				1-year	2-year	10-year	100-year
Proposed S.	0.53	88	6.0	1.15	1.46	2.51	3.80
Proposed N.	1.37	79	6.0	1.71	2.38	4.83	8.06
TOTAL AFTER CONTROLS				0.87	1.06	1.51	1.90

Pond Data

Bioretention Data						
Bioretention	Peak Outflow 2-Year (cfs)	Peak Outflow 100-Year (cfs)	Normal Water Elevation (ft.)	Peak W.S. Elev. 2-Year	Peak W.S. Elev. 100-Year	Top of Berm Elev.
Bio North	0.87	1.90	77.00	78.18	80.21	80.50

STORM WATER QUALITY CONTROL

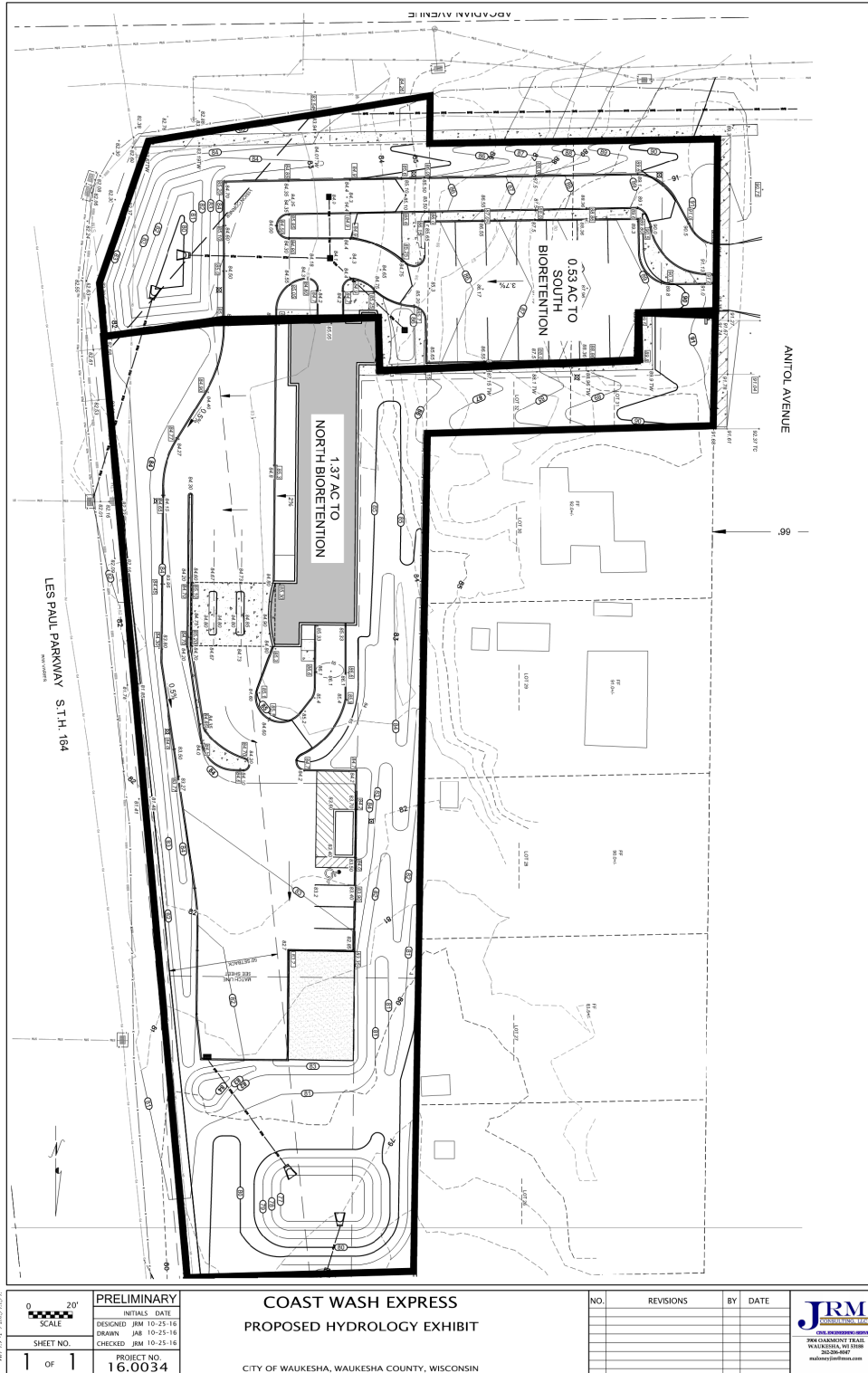
The proposed site will utilize a bioretention basin to achieve post-construction storm water quality control in accordance with the State of Wisconsin requirements for suspended solids removal. The requirement for this site is 40% removal of the Total Suspended Solids (TSS). SLAMM was used to calculate the water quality impacts as a result of this project.

Water Quality Summary

Source	Area (ac)	Pounds of TSS Generated	Pounds of TSS Remaining	Percent Removal
Proposed North	1.37	458.9	-	-
Proposed South	0.53	281.8	-	-
Total	1.90	740.7	318.8	57.19%

Exhibit D (continued)

Watershed Map. The watershed map shown below was used to determine the post-development data contained in this exhibit. The post-developed watershed areas are the same as the pre-development watershed areas for this project.



<p>0 20' SCALE</p> <p>SHEET NO. 1 OF 1</p>	<p>PRELIMINARY</p> <p>DESIGNED: JRM 10-25-16 DRAWN: JAB 10-25-16 CHECKED: JRM 10-25-16</p> <p>PROJECT NO. 16.0034</p>	<p>COAST WASH EXPRESS PROPOSED HYDROLOGY EXHIBIT</p> <p>CITY OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">NO.</th> <th style="width: 40%;">REVISIONS</th> <th style="width: 15%;">BY</th> <th style="width: 40%;">DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	REVISIONS	BY	DATE																					 <p style="font-size: 8px;">JRM CONSULTING, INC. 200 CANNONVILLE TRAIL WAUKESHA, WI 53186 262.536.8667 mjohnson@jrm.com</p>
NO.	REVISIONS	BY	DATE																									

Exhibit E
As-built Survey for Wet Detention Basin #1

The biofiltration basin depicted in Figure 1 is a reduced copy of the as-built plan.

<u>Project Identifier:</u>	Coast Carwash
<u>Storm water Practice:</u>	Biofiltration Basin
<u>Location of Practice:</u>	Easement on Lot 1 of CSM No. :
<u>Owners Lot 1:</u>	Coast Carwash, LLC

Exhibit E

Cross-Section A – A'

Figure 2

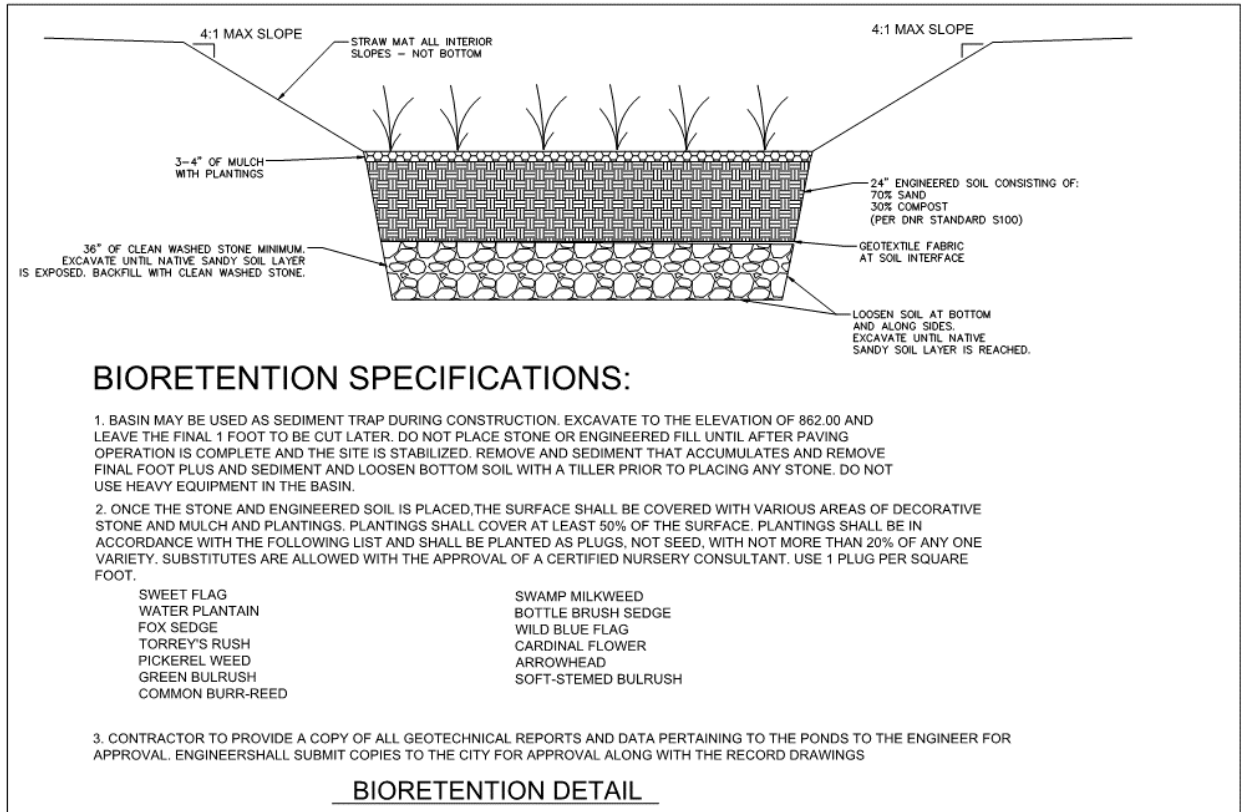


Figure 3

Outlet Structure Detail

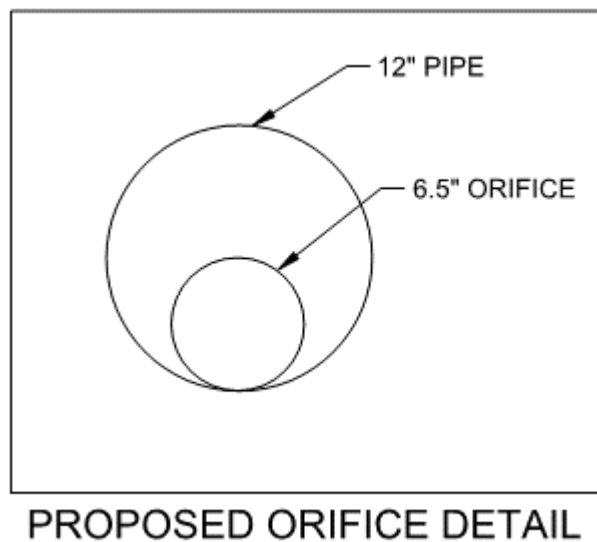


Exhibit “F”
Engineering/Construction Verification

DATE: _____

TO: City of Waukesha

FROM: _____ [Project Engineer’s Name/Company]

RE: Engineering/Construction Verification for the following project:
Project Name: Coast Carwash
Section 1, City of Waukesha
Storm Water Management & Erosion Control Permit # _____
Storm Water Management Practices: _____

For the above-referenced project and storm water management practices, this correspondence shall serve as verification that: 1) all site inspections outlined in approved inspection plans have been successfully completed; and 2) the storm water management practice design data presented in Exhibit D, and the “as-built” construction documentation presented in Exhibit E comply with all applicable state and local technical standards, in accordance with the City of Waukesha Storm Water Management and Erosion Control Ordinance.

[Must include one of the following two statements:]

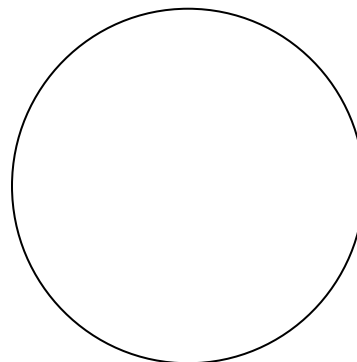
1. Any variations from the originally approved construction plans are noted in Exhibit E. These variations are considered to be within the tolerances of standard construction techniques and do not affect the original design as presented in Exhibit D in any way.

[Note: The City may request additional documentation to support this statement depending on the extent of deviations from the approved plans.]

Or

2. Any design or construction changes from the originally approved construction plans are documented in Exhibits D and E and have been approved by the City of Waukesha.

[Note: If warm season and wetland planting verification is required, it may be included in this exhibit.]



(Signed P.E. stamp must be included)

Exhibit G
Storm Water Management and Erosion Control Permit Termination

Project Identifier: Coast Carwash

Location: All that part of the Northwest Quarter (NW ¼) of Section 14, Township 6N, Range 19E (City of Waukesha)

Storm Water Management and Erosion Control Permit Holder's Name: Mike Klumb c/o Coast Carwash

Storm Water Management & Erosion Control Permit #: _____

Chapter 32 – City of Waukesha Storm Water Management and Erosion Control requires that all newly constructed storm water management practices be maintained by the Storm Water and Erosion Control Permit Holder until permit termination, after which maintenance responsibilities shall be transferred to the responsible party identified on the subdivision plat [or CSM] and referenced in this Maintenance Agreement.

Upon execution below, this exhibit shall serve to certify that the Storm Water Permit Holder has satisfied all requirements of the Storm Water Management and Erosion Control Ordinance and that the City of Waukesha has terminated the Storm Water Management and Erosion Control Permit for the property covered by this Maintenance Agreement.

Dated this ___ day of _____, 201_.

City of Waukesha representative:

(Signature)

(Typed Name and Title)

Acknowledgements

State of Wisconsin
County of Waukesha

Personally came before me this ___ day of _____, 201_, the above named _____ to me known to be the person who executed the foregoing instrument and acknowledged the same.

[Name]
Notary Public, Waukesha County, WI
My commission expires: _____