Document Number

Storm Water Management Practice Maintenance Agreement

Cornerstone Development of S.E. WI, 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.

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

Name and Return Address

City of Waukesha
201 Delafield Street
Waukesha, WI 53188

Parcel Identification Numbers:
WAKC1350265
WAKC1350999009
WAKC1350264

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 _____, 2021.

Owner:

_____
(Owners Signature)

_____
(Owners Typed Name)

Acknowledgements

State of Wisconsin:
County of Waukesha

Personally came before me this ____ day of _____, 2021, the above named _____John Wahlen____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:

Jayme Sisel, P.E.
Sound Stormwater Design LLC
Muskego, WI 53150

For Certification Stamp

City of Waukesha Common Council Approval

Dated this ___ day of _____, 2021.

_____

Shawn N. Reilly, Mayor

_____

Gina Kozlik, City Clerk

Acknowledgements

State of Wisconsin:
County of Waukesha

Personally came before me this ____ day of _____ , 2021, 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: **Glen at Standing Stone Subdivision & Aspen Overlook Development** Acres**: 91.5**
Date of Recording: T.B.D.
Map Produced By: TRIO Engineering, LLC
Legal Description:

Standing Stone Condominium Development

Lot 1 and Outlots 2 & 3, Certified Survey Map No. ___, recorded in the Office of the Register of Deeds for Waukesha County on _____, 20 __, in Book _____ of Certified Survey Maps, at Pages __ through __ inclusive, as Document No. _____. Being part of the Southwest 1/4 and Southeast 1/4 of the Northwest 1/4 and the Northwest 1/4 and Northeast 1/4 of the Southwest 1/4 of Section 14, Town 6 North, Range 19 East, in the City and Village of Waukesha, Waukesha County, Wisconsin.

Standing Stone Subdivision

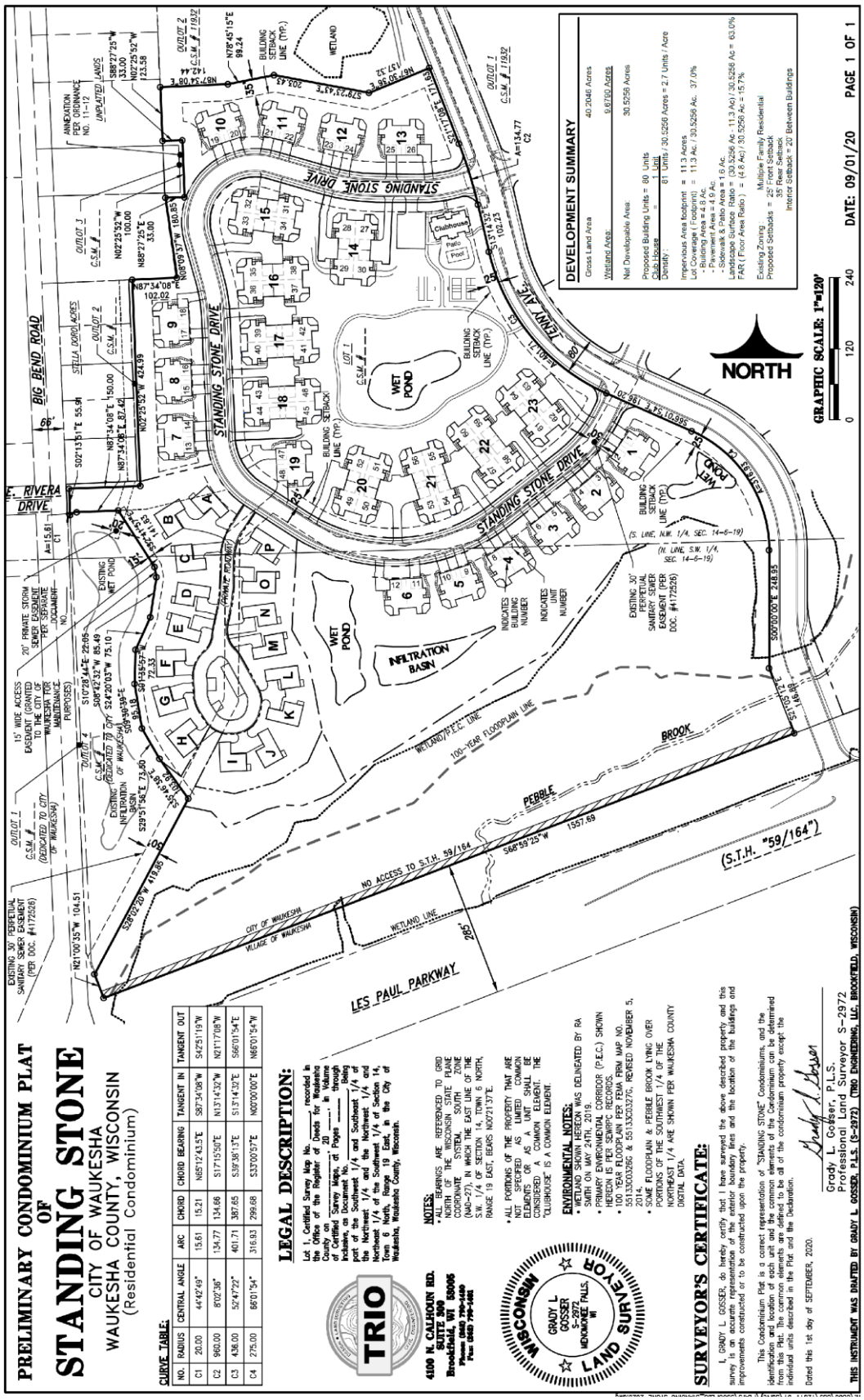
Outlot 1, Certified Survey Map No. 11932, recorded in the Office of the Register of Deeds for Waukesha County on November 6, 2019, in Book 121 of Certified Survey Maps, at Pages 12 through 19 inclusive, as Document No. 4434043. Being part of the Northwest 1/4, Northeast 1/4 and the Southwest 1/4 of Section 14, Town 6 North, Range 19 East, in the City of Waukesha, Waukesha County, Wisconsin.

Aspen Overlook Condominium Development

Outlot 2 of Certified Survey Map No. 11932, Recorded in the Office of the Register of Deeds for Waukesha County on November 6, 2019, in Book 121 of Certified Survey Maps, at Pages 12 through 19 inclusive, as Document No. 4434043. Being located in a part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 14, Town 6 North, Range 19 East, in the City Of Waukesha, Waukesha County, Wisconsin.

Exhibit A – Legal Description (cont.)

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.



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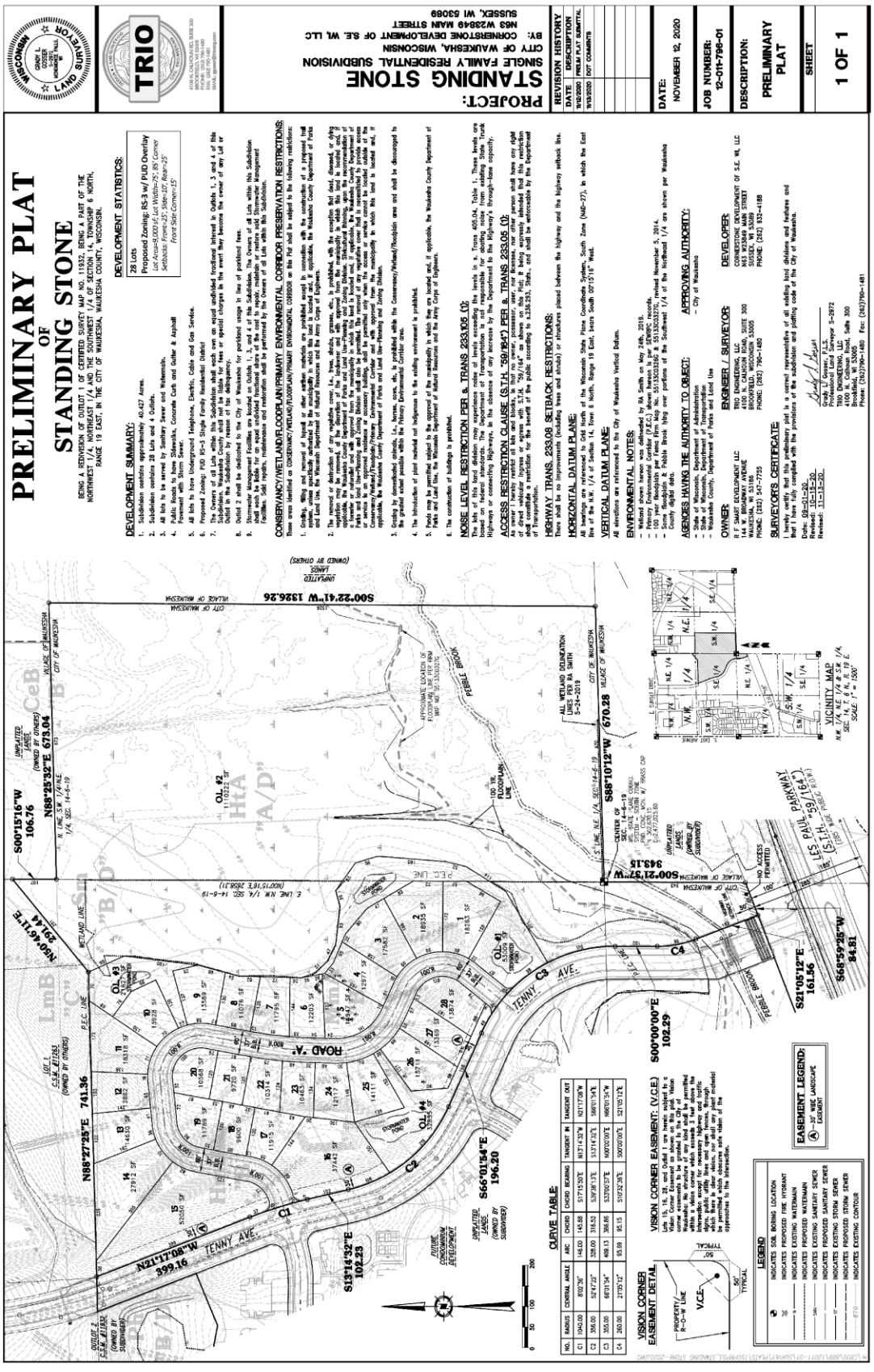

Exhibit A – Legal Description (cont.)

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.

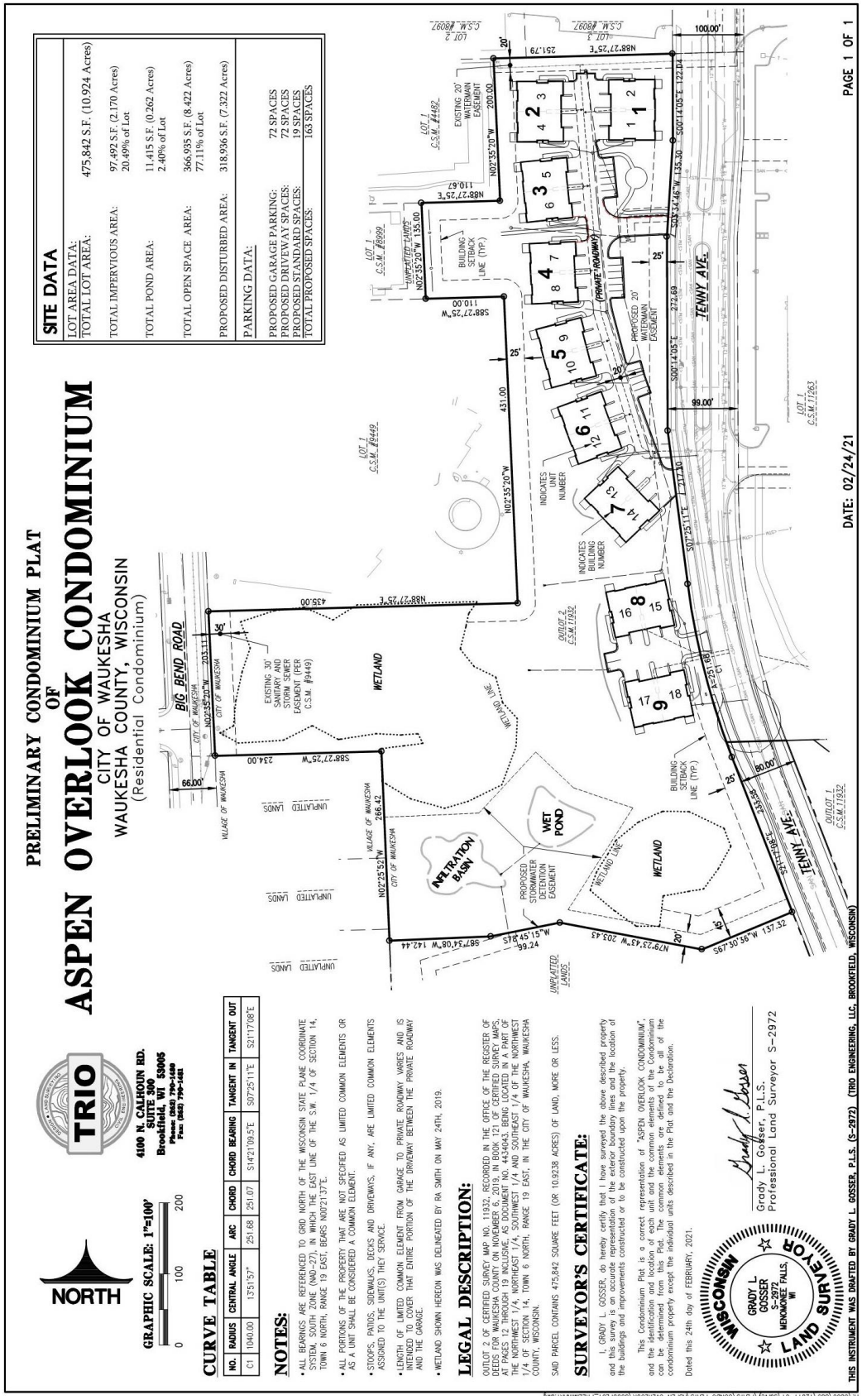

Exhibit B - Location Map
Storm Water Management Practices Covered by this Agreement

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 five (5) wet detention basins, two (2) infiltration basins, two (2) rain gardens, one (1) dry detention basin, and all associated pipes, outlet control structures, grass swales, earthen berms, and other components of these practices.

Subdivision Name**:** **Glen at Standing Stone Subdivision and Aspen Overlook Development**
Stormwater Practices**:** **Wet Detention Basins (5), Infiltration Basins (2), Rain Gardens (2), Dry Detention Basin (1)**
Owners of Stormwater Practices: **Each owner shall have equal undividable interest in the stormwater 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 storm water 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 stormwater management system includes five (5) wet detention basins, two (2) infiltration basins, two (2) rain gardens, one (1) dry detention basin, and all associated pipes, outlet control structures, grass swales, earthen berms, and other components of these practices. The stormwater management system is designed to trap 80% of sediment in runoff and maintain pre-development downstream peak flows.

The wet detention basins are designed with a permanent pool depth of at least 5 feet to trap sediment. To ensure long-term performance of the wet detention basins, the water levels and outlet control structures must be maintained as specified in this Agreement. In addition to runoff conveyance, the grass swales also allow infiltration and filtering of pollutants, especially from smaller storms. Vigorous grass cover within the grass swales is essential to proper function and treatment of pollutants.

The infiltration basin and rain gardens are designed to reduce runoff volumes from a site after development by intercepting the runoff and allowing it to slowly seep (infiltrate) into the underlying soil and groundwater. Pretreatment of runoff prior to the infiltration basin is provided in the wet detention basins to prevent the risk of clogging and groundwater pollution. Pretreatment of runoff prior to the rain gardens is provided in the grass swales. Vigorous vegetation cover of native plants and grasses within the infiltration basin and rain gardens is essential to long-term function of these systems. In addition, underdrains and outlet control structures must be maintained as specified in this Agreement.

"As-built" construction drawings of the stormwater management system, showing actual dimensions, elevations, outlet structures, etc. will be recorded as an addendum(s) to this agreement within 60 days after City of Waukesha accepts verification of construction from the project engineer.

Minimum Maintenance Requirements – Wet Detention Basins:
To ensure the proper long-term function of the storm water management practices described above, the following activities must be completed:

1. All inlet and outlet pipes must be checked monthly to ensure there is no blockage from floating debris or ice, especially the trash racks on the low flow orifices in the outlet control structures. Any blockage must be removed immediately.
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.

Minimum Maintenance Requirements – Infiltration Basins:

To ensure the proper function of the storm water infiltration basin, the following list of maintenance activities are recommended:

1. A minimum of 70% soil cover made up of native grasses must be maintained on the basin bottom to ensure infiltration rates. Periodic burning or mowing is recommended to enhance establishment of the prairie grasses (which may take 2-3 years) and maintain the minimum native cover. To reduce competition from cool season grasses (bluegrass, fescues, quack, etc.) and other weeds:
    - For the first year, cut to a 6" height three times – once each in June, July and early August. To prevent damage to the native grasses, do not mow below a 6" height. Remove excessive accumulation of clippings to avoid smothering next year's seedlings.
    - After the first year, mowing may only be needed in early June each year to help control the spread of cool season plants. The mowing should also be raised to 10-12" to avoid damage to the warm season plants.
    - Burning may also be used to manage weeds in 2-5 years intervals. Late spring burns (mid-late May) provide maximum stimulus to warm season grasses and work well to control cool season grasses. Burn when the cool season grasses are growing, and the warm season plants are just barely starting to grow to get maximum control of cool season species.
    - Any major bare areas or areas taken over by nonnative species must be reseeded. To clear area of weeds and cool season grasses, treat with an herbicide that contains glysophosphate in accordance with manufacturer's instructions. Ensure a firm seedbed is prepared to a depth of 3 inches (a roller is recommended). Seeding should occur in early-mid June. Seed with Big Bluestem, Indian Grass, Little Blue Stem or Switchgrass (preferably an equal mix of all four types). A companion crop of oats is recommended. Seed must be placed at a depth of 1/4 – 1/2" and a minimum rate of 1/4 pound per 100 square feet. If broadcast seeding by hand, drag leaf rake over soil surface after seeding. Then roll it again and cover with a light layer of mulch and staked erosion control netting to hold it in place until germination. For other planting details, see NRCS standard 342 (Critical Area Planting).
2. 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.
3. The basin and all components (grass swales, inlets, outlets, etc.) should be inspected after each heavy rain, but at a minimum of once per year. If the basin is not draining properly (within 72 hours), further inspection may be required by persons with expertise in storm water management and/or soils.
    - If soil testing shows that the soil surface has become crusted, sealed, or compacted, some deep tillage should be performed. Deep tillage will cut through the underlying soils at a 2-to-3-foot depth, loosening the soil and improving infiltration rates, with minimal disturbance of the surface vegetation. Types of tillage equipment that can be used include a subsoiler or straight, narrow-shanked chisel plow.

- If sedimentation is determined to be causing the failure, the accumulated sediment must be removed, and the area reseeded in accordance with the notes above.
- If inspection shows that groundwater is regularly near the surface, additional design features may need to be considered, such as subsurface drainage or conversion to a wetland treatment system.

4. All outlet pipes and other flow control devices must be kept free of debris. Any blockage must be removed immediately.
5. Any eroding areas must be repaired immediately to prevent premature sediment build-up in the system. Erosion matting is recommended for repairing grassed areas.
6. Heavy equipment and vehicles must be kept off the bottom and side slopes of infiltration basin to prevent soil compaction. Soil compaction will reduce infiltration rates and may cause failure of the basin, resulting in ponding and possible growth of wetland plants.
7. No trees are to be planted or allowed to grow on the earthen berms or the bottom of the basin. On the berms, tree root systems can reduce soil compaction and cause berm failure. On the basin bottom, trees may shade out the native grasses. The basin must be inspected annually, and any woody vegetation removed.
8. Grass swales leading to the basin 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.
9. No grading or filling of the basin or berms other than for sediment removal is allowed.
10. Periodic mowing of the grass swales will encourage rigorous grass cover and allow better inspections for erosion. Waiting until after August 1 will avoid disturbing nesting wildlife. Mowing around forebay 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 infiltration basin 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.

Minimum Maintenance Requirements – Rain Gardens:

To ensure the proper function of the rain gardens, the following list of maintenance activities are recommended:

1. A minimum of 70% soil cover made up of native grasses must be maintained on the rain garden bottom to ensure infiltration rates.
2. Any major bare areas or areas taken over by nonnative species must be reseeded/replanted.
3. The rain garden and all components (grass swales, inlets, outlets, etc.) shall be inspected after each heavy rain, but at a minimum of once per year. If the rain garden is not draining properly (within 72 hours), further inspection may be required by persons with expertise in stormwater management and/or soils.
    - If soil testing or observations show that the soil surface has become crusted, sealed, or compacted, tillage of the soils should be performed.
    - If sediment is determined to be causing the failure, the accumulated sediment must be removed and the area reseeded/replanted.
4. All flow control devices must be kept free of debris. Any blockage must be removed immediately.
5. Any eroding areas must be repaired immediately to prevent premature sediment build-up in the system. Erosion matting is recommended for repairing grassed areas.
6. Heavy equipment and vehicles must be kept off of the bottom and side slopes of the rain garden. Soil compaction will reduce infiltration rates and may cause failure of the rain garden, resulting in ponding and possible growth of wetland plants.
7. No grading or filling of the rain garden other than for sediment removal is allowed, unless otherwise approved by the City of Waukesha.
8. Any other repair or maintenance needed to ensure the continued function of the rain garden.

Minimum Maintenance Requirements – Dry Detention Basin:

To ensure the proper function of the dry detention basin, the following list of maintenance activities are recommended:

1. A minimum of 70% soil cover made up of native grasses must be maintained on the basin bottom to ensure infiltration rates.
2. Any major bare areas or areas taken over by nonnative species must be reseeded/replanted.

3. The basin and all components (grass swales, inlets, outlets, etc.) shall be inspected after each heavy rain, but at a minimum of once per year.
4. All flow control devices must be kept free of debris. Any blockage must be removed immediately.
5. Any eroding areas must be repaired immediately to prevent premature sediment build-up in the system. Erosion matting is recommended for repairing grassed areas.
6. No grading or filling of the basin other than for sediment removal is allowed, unless otherwise approved by the City of Waukesha.
7. Any other repair or maintenance needed to ensure the continued function of the basin.

Minimum Maintenance Requirements - Grass Swales

To ensure the proper function of grass swales, the following list of maintenance activities are recommended:

1. It is desired to maintain a sufficient amount of native grass soil cover in the swale areas. Periodic mowing is recommended to enhance establishment of the native grasses (which may take 2-3 years) and maintain the minimum native cover. To reduce competition from cool season grasses (bluegrass, fescues, quack, etc.) and other weeds:
    - For the first year, cut to a 6" height three times – once each in June, July and early August. To prevent damage to the native grasses, do not mow below a 6" height. Remove excessive accumulation of clippings to avoid smothering next year's seedlings.
    - After the first year, mowing may only be needed in early June each year to help control the spread of cool season plants. The mowing should also be raised to 10-12" to avoid damage to the warm season plants.
    - Burning may also be used to manage weeds in 2-5 years intervals, if/as permitted by the Village. Late spring burns (mid-late May) provide maximum stimulus to warm season grasses and work well to control cool season grasses. Burn when the cool season grasses are growing and the warm season plants are just barely starting to grow to get maximum control of cool season species.
    - Any major bare areas or areas taken over by nonnative species are recommended to be reseeded. To clear area of weeds and cool season grasses, treat with an herbicide that contains glysophosphate in accordance with manufacturer's instructions. Ensure a firm seedbed is prepared to a depth of 3 inches (a roller is recommended). Seeding should occur in early-mid June. Seed with Big Bluestem, Indian

      Grass, Little Blue Stem or Switchgrass (preferably an equal mix of all four types). A companion crop of oats is recommended. Seed must be placed at a depth of 1/4 – 1/2" and a minimum rate of 1/4 pound per 100 square feet. If broadcast seeding by hand, drag leaf rake over soil surface after seeding. Then

      roll it again and cover with a light layer of mulch and staked erosion control netting to hold it in place until germination. For other planting details, see NRCS standard 342 (Critical Area Planting).
2. The grass swales should be inspected after each heavy rain, but at a minimum of once per year
3. All drainage swales should be kept free of debris. Any blockage must be removed immediately.
4. Grass swales leading to the storm water ponds shall be preserved to allow free flowing of surface runoff in accordance with approved grading plans.