Document Number

Storm Water Management Practice Maintenance Agreement

ProHealth Care, Inc 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 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.

Dated this ___ day of _____, 201_.

Owner:

_____
(Owners Signature)

_____
(Owners Typed Name)

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.

_____.

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

This document was drafted by:

_____

_____

For Certification Stamp

City of Waukesha Common Council Approval

Dated this ___ day of _____, 2022.

_____

Shawn N. Reilly, Mayor

_____

Gina Kozlik, City Clerk

Acknowledgements

State of Wisconsin:
County of Waukesha

Personally came before me this ____ day of _____, 2022, the above named __ _____ to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____.

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: **Hospital Boulevard** Acres**: 4.15**
Date of Recording: **October 22, 2002**
Map Produced By: **The Sigma Group**
Legal Description: **Lot 1 of CSM** _____

Drainage Easement Restrictions: Shaded area on map indicates a drainage area for storm water collection, conveyance and treatment. No buildings or other structures are allowed in these areas. No grading or filling is allowed that may interrupt storm water flows in any way. See Exhibit C for specific maintenance requirements for storm water management practices within this area.

N

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 bio filtration basinsand all associated pipes, earthen berms, rock chutes and other components of these practices.

Subdivision Name**:** **Hospital Boulevard**
Storm water Practices**:** **Bio Filtration Basins**
Location of Practices**:** **Center and adjacent to proposed drive**

Figure 1
Plan View of Storm Water Practices

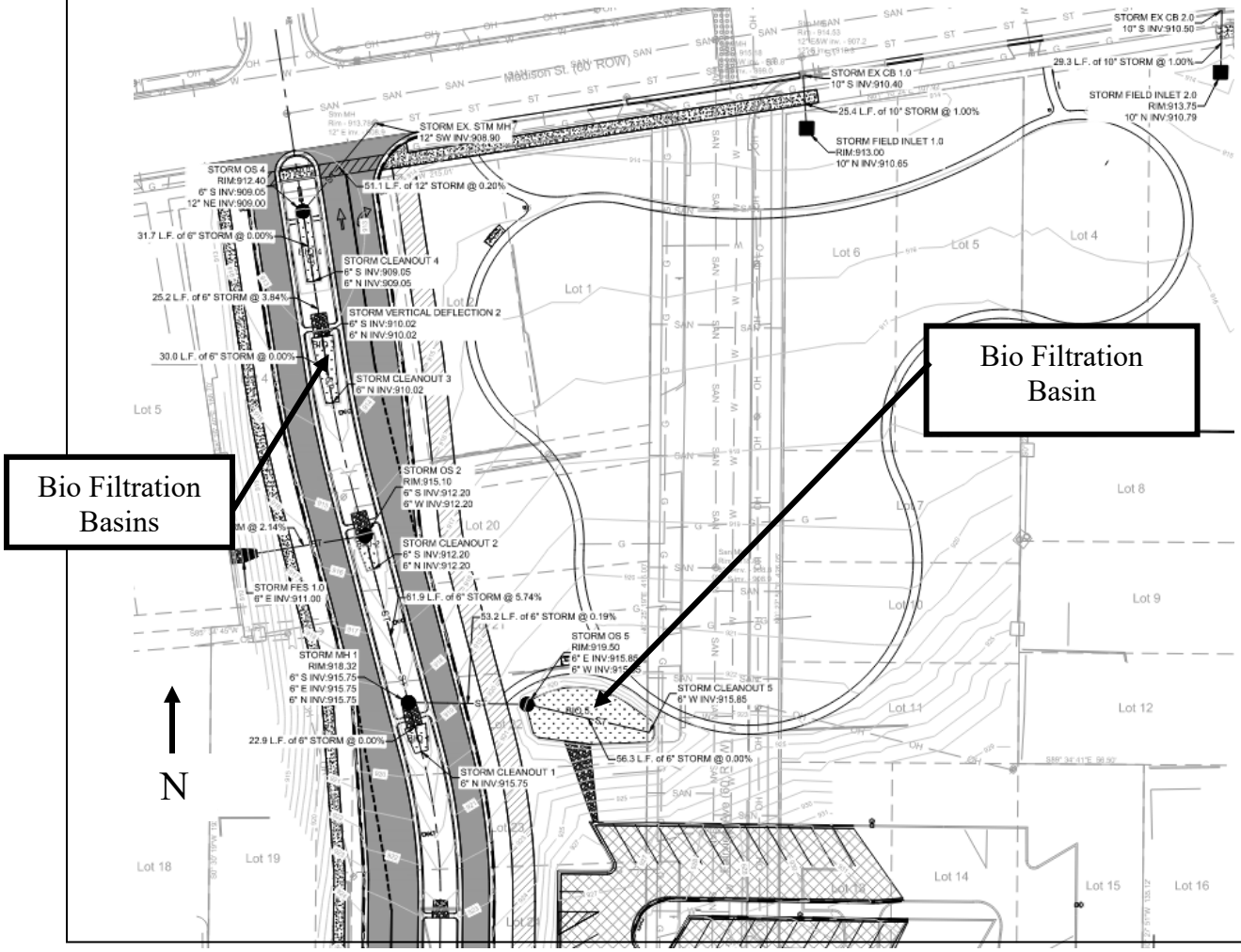


Exhibit C
Storm Water Practice Maintenance Plan

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:
Biofiltration basins are designed to reduce runoff volumes and TSS from a site after development by intercepting the runoff and allowing it to slowly seep into the underlying draintile. The drainage areas served by a biofiltration basin is usually 1-5 acres.

Biofiltration basins can also be designed to reduce peak flows by temporarily detaining runoff from larger storms and releasing it through outlet pipes or other controlled discharge devices. Treatment of the runoff is often provided by allowing water to infiltrate through engineered soil medium.

Minimum Maintenance Requirements:
To ensure the proper function of 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 manufacture'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, forebay, 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 2-3 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 of the monitoring well 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.
    - If the washed stone trench has become clogged, the stone – and possibly the soil immediately around the stone - must be replaced.
4. All outlet pipes, stone trenches 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. No trees are to be planted or allowed to grow on the earthen berms of 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.
7. 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.
8. If floating algae or weed growth becomes a nuisance in the forebay (decay odors, etc.), it must be removed and deposited where it cannot drain back into the basin or forebay. 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.
9. When sediment in the forebay has accumulated to an elevation of three feet below the outlet elevation, it must be removed (refer to figure). 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. Failure to remove sediment from the forebays will cause resuspension of previously trapped sediments and increase deposition in the infiltration basin.
10. No grading or filling of the basin or berms other than for sediment removal is allowed.
11. 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.
12. 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.
13. 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.

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 Outlot 1 of the Highland Preserve Subdivision, described as being all that part of the Southwest Quarter (SW ¼) of Section 4, Township 8N, Range 19E (Town of Lisbon) 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.

Name and Return Address

_____
Parcel Identification Number(s) – (PIN)

Dated this ___ day of _____, 201_.

Owner:

_____
[Owners Signature – per the Maintenance Agreement]

_____
[Owners Typed Name]

Acknowledgements

State of Wisconsin County of Waukesha

Personally came before me this ____ day of _____, 2022, the above named ___[Owners name]_____ 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:

_____

_____
[Name and address of drafter]

For Certification Stamp

Exhibit D
Design Summaries for Wet Detention Basin #1

Project Identifier: Waukesha Memorial Boulevard **Project Size:** 4.25 Acres **No. of Lots:** NA
Number of Runoff Discharge Points: 1 **Watershed (ultimate discharge)**: Fox River
Watershed Area (including off-site runoff traveling through project area): 4.25 Acres

Watershed Data Summary. The following table summarizes the watershed data used to determine peak flows and runoff volumes required to design wet detention basin #1.

Summary Data Elements	Watershed	
	Pre-develop	**Post-develop**
Watershed Areas ***(in acres)*** ***(see attached map)***	4.25 acres	4.25 acres
Average Watershed Slopes (%)	2-8%	2-8%
Land Uses ***(% of each)*** ***(see attached map)***	3 ac. ¼ ac lots 0.6 ac. asphalt	1 ac pavement 2.8 ac grass
Runoff Curve Numbers	RCN = 86	RCN = 81
Conveyance Systems Types	Storm Sewer	Storm Sewer
Summary of Average Conveyance System Data	2% Overland flow & Storm sewer	2% Overland flow & Storm sewer
Time of Concentration ***(Tc)*** ***(see attached map & worksheets)***	6 min	6 min
25% of 2-yr 24-hr post-dev runoff volume	N/A	NA
1-year/24 hour Runoff Volume	N/A	N/A
2-yr./24 hour Peak Flow *(see attached hydrographs)*	9.65 cfs	5.7 cfs
10-yr./24 hour Peak Flow	16.05 cfs	9.37 cfs
100-yr./24 hour Peak Flow	29.92 cfs	21.48 cfs

Exhibit D (continued)

Practice Design Summary. The following table summarizes the data used to design biofiltration basin.

Design Element	Design Data
Site assessment data: (see attached maps)	
Contributing drainage area to basin (subwatershed A & B)	3.6 acres
Distance to nearest private well (including off-site wells)	> 100 feet
Distance to municipal well (including off-site wells)	> 1200 feet
Wellhead protection area involved?	No
Ground slope at site of proposed basin	2%
Any buried or overhead utilities in the area?	No
Proposed outfall conveyance system/discharge (w/ distances)	West ditch, storm sewer in Madison
Any downstream roads or other structures? (describe)	City storm sewer
Floodplain, shoreland or wetlands?	No
Soil investigation data (see attached map & soil logs):	
Number of soil investigations completed	3 (in basin area)
Do elevations of test holes extend 3 ft. below proposed bottom?	Yes (see map)
Average soil texture at pond bottom elevation (USDA)	Silt loam
Distance from pond bottom to bedrock	> 5 feet
Distance from pond bottom to seasonal water table	No water table encountered in borings
General basin design data (see attached detailed drawings):	
Permanent pool surface area	NA
Design permanent pool water surface elevation	NA
Top of berm elevation (after settling) and width	varies
Length/width (dimensions/ratio)	20 (L) x 10 ft. (W) = 2:1
Safety shelf design (length, grade, max. depth)	NA
Ave. water depth (minus safety shelf/sediment)	NA
Sediment forebay size & depth	NA
Sediment storage depth & design maintenance	NA

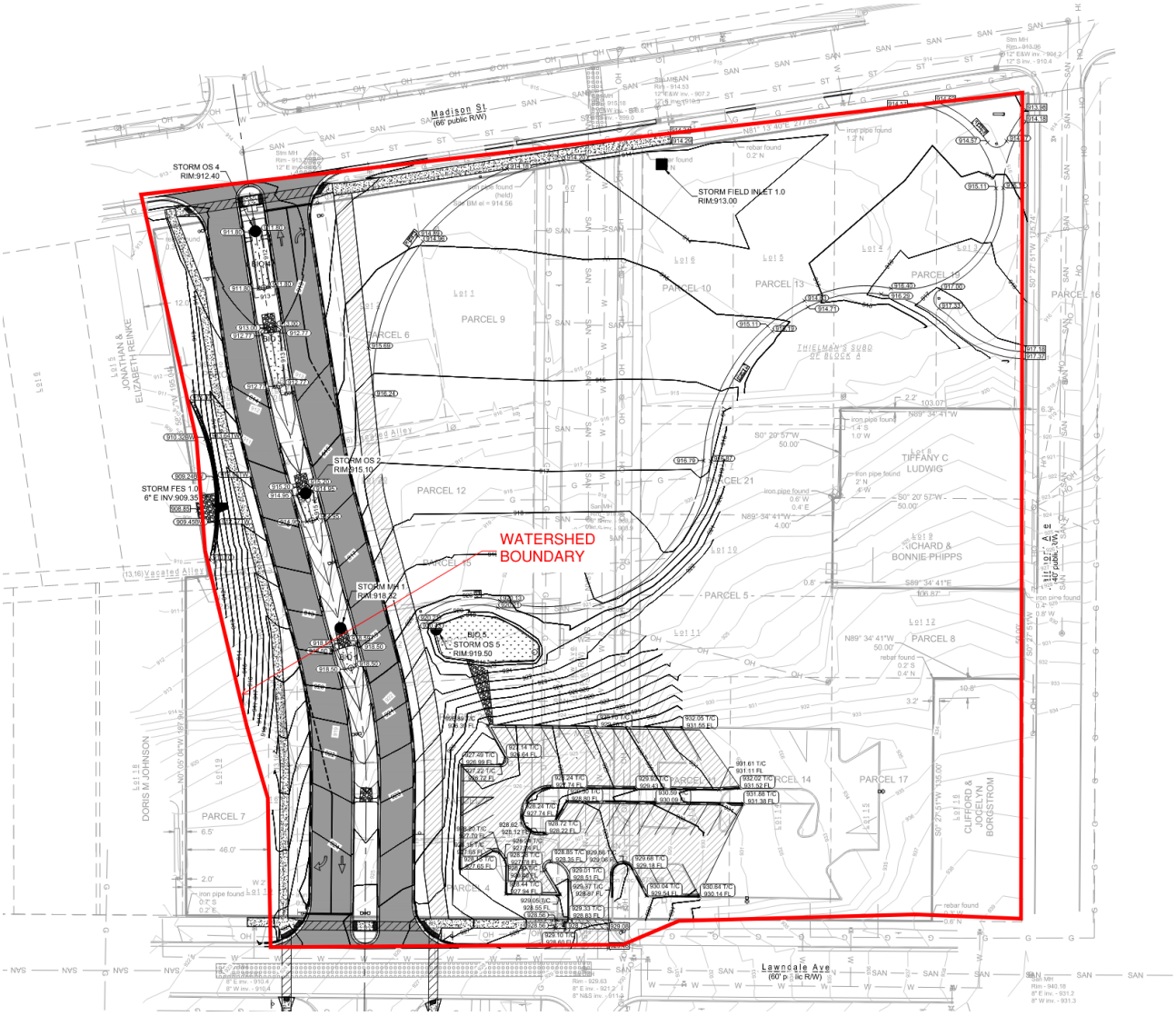
Design Basin Inflow, Outflow & Storage Data
(see attached hydrographs and detail drawings)

Inflow Peak/Volume	Maximum Outflow Rate	Max. Water Elevation	Storage Volume at Max. Elev. (above perm. pool)	Outflow Control Structures*
7.98 cfs (1-yr./24 hr. peak)	4.56 cfs	901.3 ft.	2 acre feet	#1
9.65 cfs (Post 2-yr./24 hr. peak)	5.69 cfs	902.0 ft.	3.1 acre feet	#1
16.05 cfs (Post 10-yr./24 hr. peak)	9.37 cfs	903.0 ft.	4.5 acre feet	#1 & 2
29.92 cfs (Post 100-yr./24 hr. peak)	2.48 cfs	904.0 ft.	6.0 acre feet	#1 & 2

* #1 = 6 inch orifice – flow line elev. @ 909.05
#2 = 36" circular weir – flow line elev. @ 912.4

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.



(Sample)

Exhibit E
As-built Survey for Biofiltration Basins

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

Project Identifier**:** **Hospital Boulevard**
Storm water Practice**:** **Biofiltration Basins**
Location of Practice**:** **Center of road and adjacent to**
Owners: **ProHealth Care**

Exhibit E

Cross-Section A – A’

Figure 1

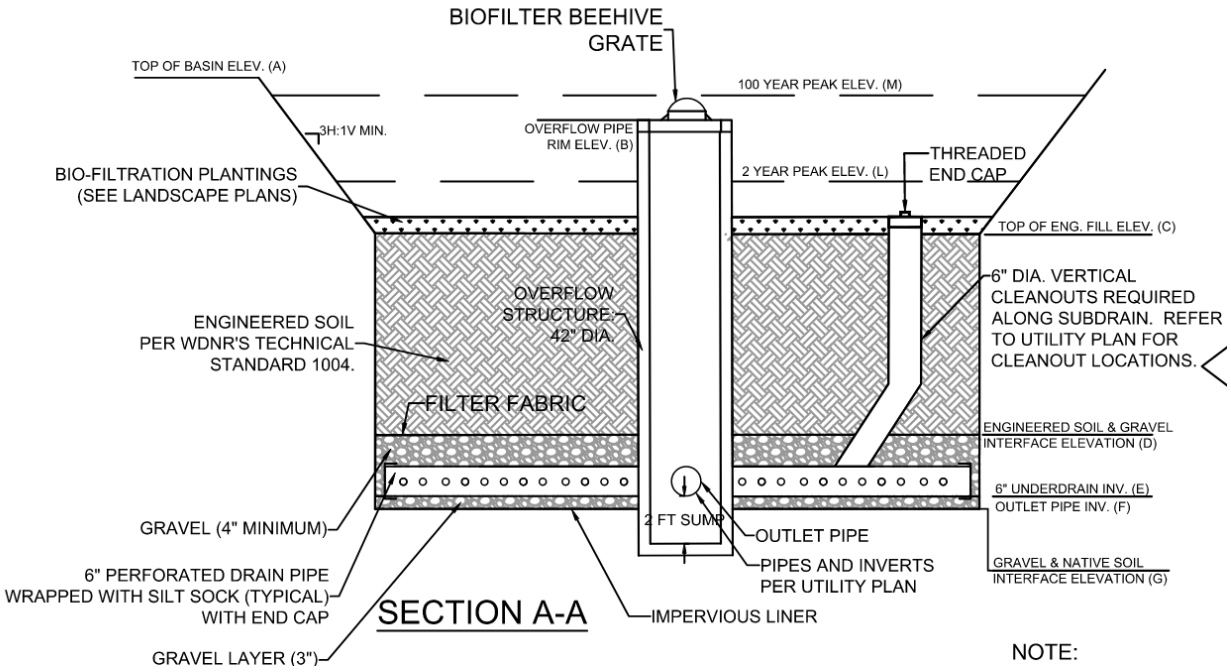


Exhibit "F"
Engineering/Construction Verification

DATE: _____

TO: City of Waukesha

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

RE: Engineering/Construction Verification for the following project:

Project Name: _____

Section _____, Town of _____

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.

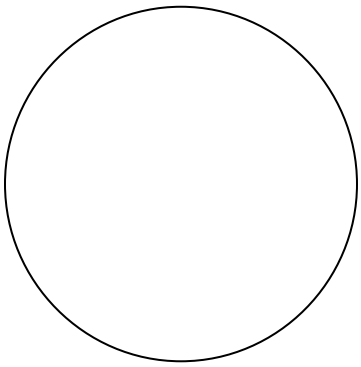
[Must include one of the following two statements:]

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)

(Sample)

Exhibit G
Storm Water Management and Erosion Control Permit Termination

Project Identifier: Waukesha Memorial Boulevard

Location:

Storm Water Management and Erosion Control Permit Holder's Name:

_____

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 _____, 2022, the above named _____ to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____.

Notary Public, Waukesha County, WI
My commission expires: _____