

Storm Water Management Practice Maintenance Agreement

Carroll University, 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

Tax Key No. WAKC 1308240

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 County 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 inspection of the storm water management practices at the time intervals listed in Exhibit C, and conducted the inspections by a qualified professional, file a report 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 3rd day of January, 2017.

Owner:

Ronald Lostetter

(Signature)

Ron Lostetter, Vice President of Finance and Administrative Services

Acknowledgements

State of Wisconsin:
County of Waukesha

Personally came before me this 3rd day of January, 2017, the above named Ron Lostetter, Vice President of Finance and Administrative Services, Carroll University to me known to be the person who executed the foregoing instrument and acknowledged the same.

Colin J. [Signature]

Notary Public, Waukesha County, WI

My commission expires: 15 years

JBN 1032409

This document was drafted by:

Bloom Companies, LLC

10501 W. Research Dr., Suite 100

Milwaukee, WI 53226

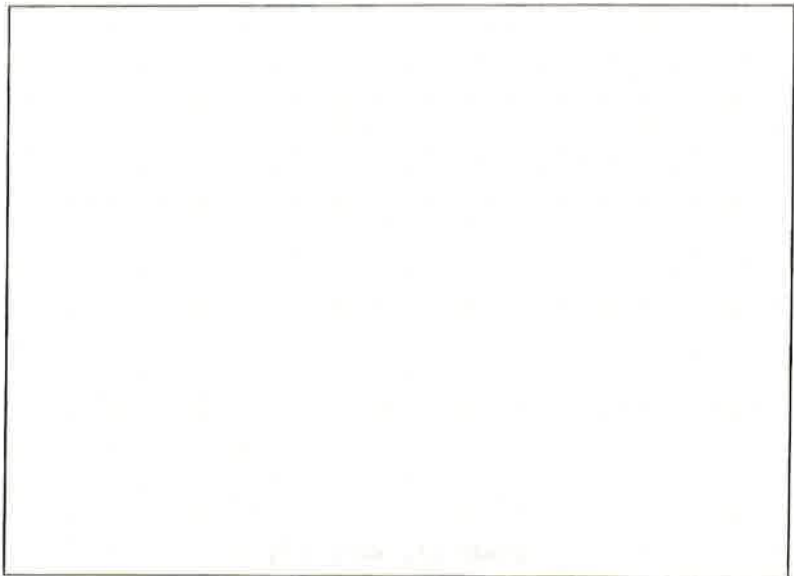


Exhibit A – Legal Description

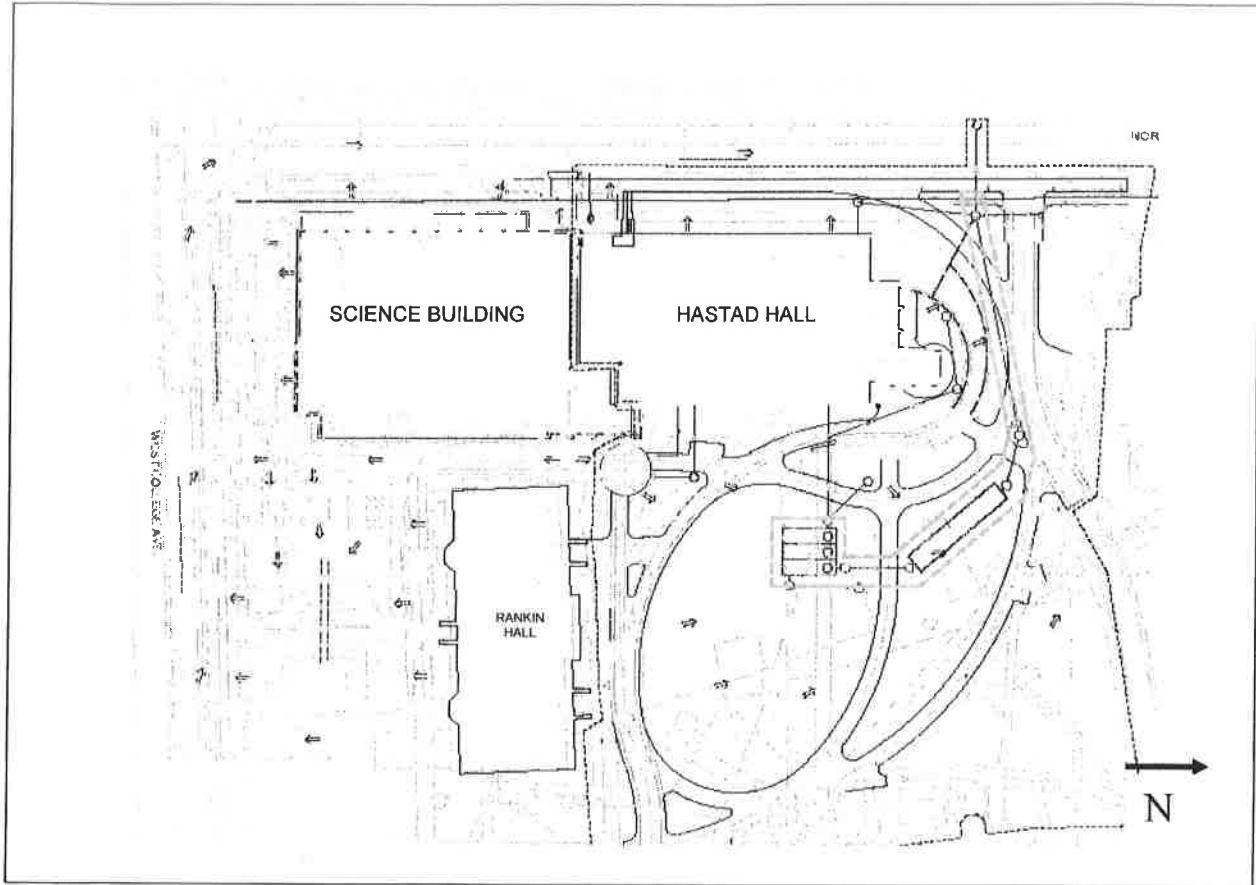
The following description and reduced copy map identifies the land parcel(s) affected by this Agreement. For a larger scale view of the referenced document, contact the Waukesha County Register of Deeds office.

Project Identifier: **Carroll University Hastad Hall** Acres: **15.61 acres**

Date of Recording: **November 26, 2014**

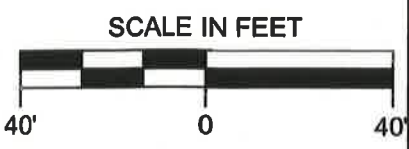
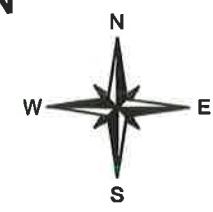
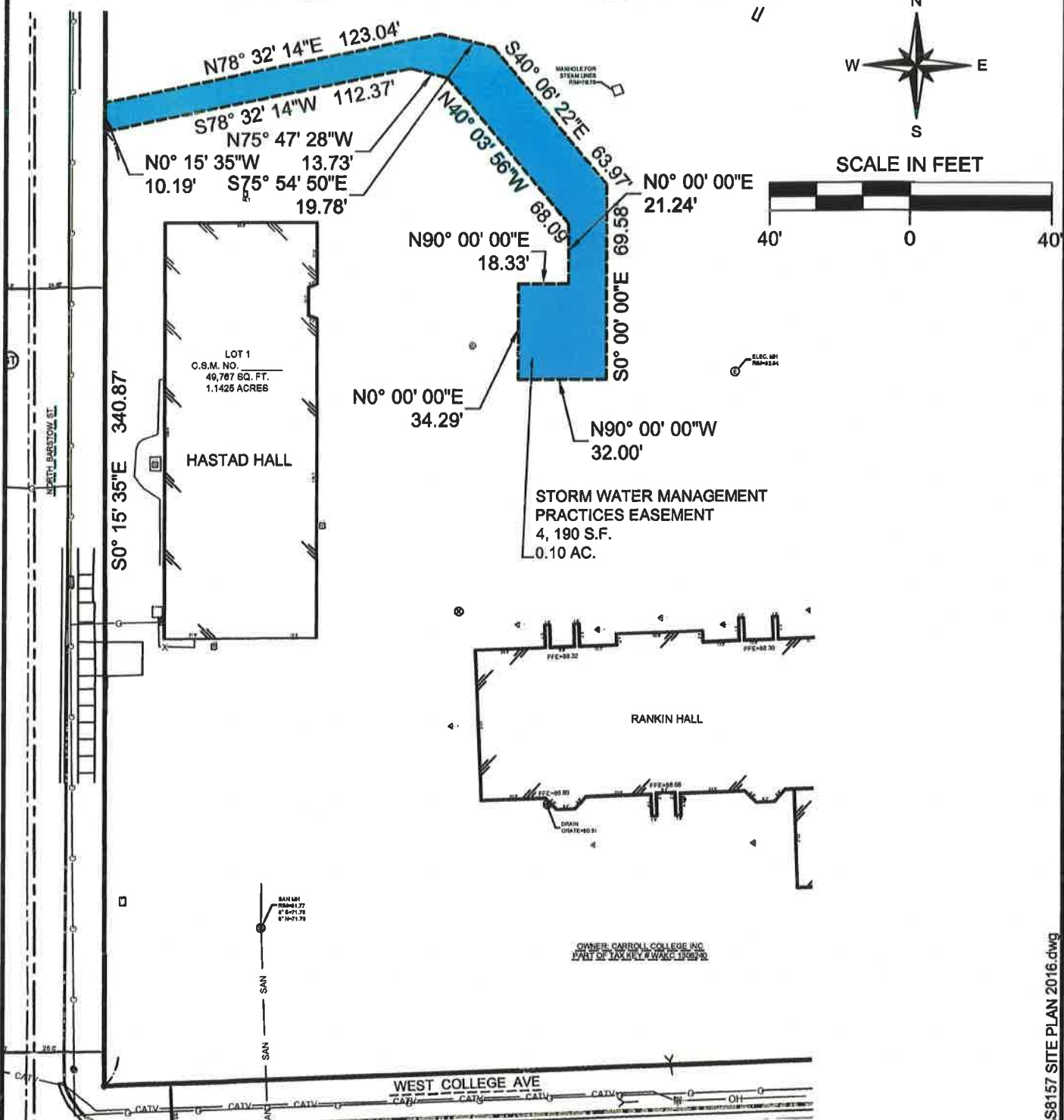
Map Produced By: **Jahnke & Jahnke Assoc., Inc.**

Legal Description: All that part of Lot 1 of Certified Survey Map No. 11252 recorded in Book No. 111 on Pages 45-53 as Document No. 4112264 recorded on November 26, 2014 and being part of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section 3, Town 6 North, Range 19 East, City of Waukesha, Waukesha County, Wisconsin



Drainage Easement Restrictions: Shaded area on map indicates a drainage easement 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. See certified survey map for details on location.

EXHIBIT A - LEGAL DESCRIPTION



Legal Description of Storm Water Management Easement:
 All that part of Lot 1 of Certified Survey Map No. 11252 recorded in Book No. 111 on Pages 45-53 as Document No. 4112264 recorded on November 26, 2014 and being part of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section 3, Town 6 North, Range 19 East, City of Waukesha, Waukesha County, Wisconsin bounded and described as follows: Commencing at the Intersection of the north right-of-way line of West College Avenue and the east right-of-way line of North Barstow Street being the southwest corner of Lot 1 of said CSM No. 11252; thence North 00°15'35" West along said east right-of-way line of North Barstow Street 340.87 feet to the place of beginning of said Storm Water Management Easement; thence continuing North 00°15'35" West along said right-of-way line 10.19 feet; thence North 78°32'14" East 123.04 feet; thence South 75°54'50" East 19.78 feet; thence South 40°08'22" East 63.97 feet; thence South 00°00'00" West 69.58 feet; thence South 90°00'00" West 32.00 feet; thence North 00°00'00" East 34.29 feet; thence North 90°00'00" East 18.33 feet; thence North 00°00'00" East 21.24 feet; thence North 40°03'58" West 68.09 feet; thence North 75°47'28" West 13.73 feet; thence South 78°32'14" West 112.37 feet to the place of beginning.

Drainage Easement Restrictions: Shaded area on map indicates a drainage easement for storm water collection, conveyance and treatment. No buildings or other structures are allowed in these areas. No grading and 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. See certified survey map for details on location.

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 storm water sedimentation chambers and underground storm water detention system and all associated pipes, storm structures and other components of these practices. All of the noted storm water management practices are located within a drainage easement in Lot 1, CSM No. 11252, as noted in Exhibit A.

Project Name: Carroll University Hastad Hall
Storm water Practices: Storm Water Sedimentation Chamber and Underground Storm Water Detention System
Location of Practices: Lot 1, CSM No. 11252
Owner of Lot 1, CSM No. 11252: Carroll University

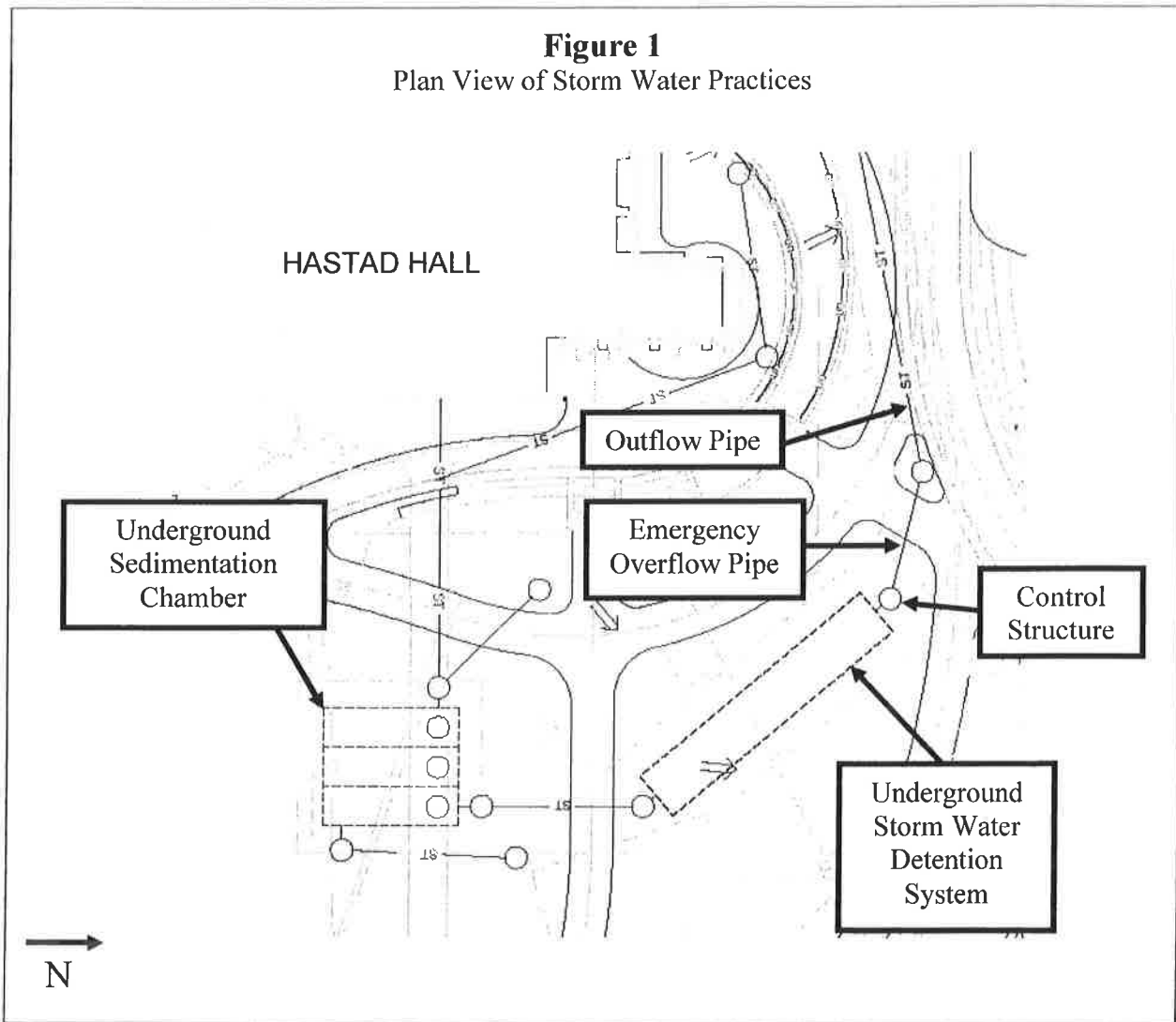


Exhibit C

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 storm water sedimentation chambers and underground storm water detention system are designed to trap sediment in runoff and maintain pre-development downstream peak flows. The storm water sedimentation chambers consists of three (3) side by side precast concrete box chambers having an inside height of 6.0 feet and an inside width of 6 feet. The three (3) concrete sedimentation chambers are connected by 3-12" diameter PVC pipes with inverts 4-foot above finished floor of the chamber. The storm water sedimentation chambers will provide a reduction of TSS of 41.8%. To do this, the storm water sedimentation chambers and underground storm water detention system must be maintained as specified in this Agreement.

The underground storm water detention system consists of three parallel 42" diameter pipes connected at both ends by 42" diameter pipes. This system receives runoff from a drainage area of 0.71 acres consisting of 0.28 acres of rooftop drainage (including 0.06 acres of green roof) from the new Hastad Hall building and 0.43 acres of overland runoff primarily from the southwest. During high rainfall or snow melt events, the water level of the underground chambers will temporarily rise and slowly drain down to the elevation of the outlet pipe. The water level is controlled by the invert elevation of two (2) 12-inch diameter storm water pipes. The lower of the two storm sewer pipes has a 6" orifice control and the upper 12" diameter storm water pipe is the emergency overflow for storms that exceed the capacity of the upstream system. These pipe are located immediately downstream of the underground detention system. During very extreme rain fall events, excess flows may surface drain to the north along normal sheet flow drainage paths which may bypass the underground detention system.

"As-built" construction drawings of the storm water sedimentation chamber and storm water storage areas, 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:

To ensure the proper function of the storm water sedimentation chamber and underground storm water detention system the following list of maintenance activities are recommended:

1. Immediately after the storm water sedimentation chamber, storm water storage detention system and storm sewers are constructed and landscaping has been established the chambers shall be inspected and cleared of excess materials that may have entered the chambers during construction. Any major bare surface areas or areas taken over by nonnative species must be replanted or reseeded. 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.
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. In areas where mulch has been disturbed, add new mulch and anchor as required to prevent displacement. Re-mulch twice per year or as needed.
4. The storm water sedimentation chamber, storm water detention system and all components (inlets, outlets, etc.) should be inspected after each heavy rain, but at a minimum of twice per year. If the basin is not draining properly (within 72 hours), further inspection may be required by persons with expertise in stormwater management.
 - o If sedimentation is determined to be causing the failure, the accumulated sediment must be removed.
5. Remove litter and debris as needed.
6. Inspect drainage structure inlets and outlets for debris and clogging twice per year. Any blockage must be removed immediately.

7. Any eroding areas must be repaired immediately, at a minimum of twice per year, to prevent premature sediment build-up in the system. Erosion matting is recommended for repairing grassed areas.
8. Heavy equipment and vehicles must be kept off of the area over the chambers.
9. Any other repair or maintenance needed to ensure the continued function of the storm water sedimentation chamber and storm water detention system as ordered by the City of Waukesha under the provisions listed on page 1 of this Agreement.

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.