

**CITY OF WAUKESHA****Administration**

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Committee: Board of Public Works	Date: 8/3/2017
Common Council Item Number: ID#17-1171	Date: 8/15/2017
Submitted By: Fred Abadi, PE, PHD	City Administrator Approval: Kevin Lahner, City Administrator KL
Finance Department Review: Rich Abbott, Finance Director	City Attorney's Office Review: Brian Running, City Attorney BR
Subject: Approve Storm Water Management Practice Maintenance Agreement between the Robert F. and Carol O. Smart Family Trust and the City of Waukesha	

Details:

The Smart Family Trust constructed a pond on an outlot in cooperation with the City which is located southeast of the intersection of E. Rivera Drive and Big Bend Road. The pond and outlot will be owned by the City of Waukesha. The Smart Family Trust will be developing additional adjoining lands near the pond in the future and has an interest in seeing that the pond landscaping is well maintained that the Developer has established over the past two years. The purpose of the Access and Maintenance Agreement is for the City to give permission to the Developer to enter onto the City's outlot and maintain it, by cleaning up debris, tending to the plantings and landscaping, removing algae, and generally keeping the outlot and pond in an attractive condition. The Developer agrees to indemnify the City from any liabilities that arise as a result of them doing so. The City reserves its protections under Wisconsin State Statute 893.80.

Options & Alternatives:

Approve as submitted

Financial Remarks:

There are no additional immediate costs to the City. The City is ultimately responsible for the maintenance costs associated with the pond if the Developer does not follow through with maintaining the pond, as also with other City owned ponds around the City.

Executive Recommendation:

Approve as submitted.

