Storm Water Management Practice Maintenance Agreement

KT Real Estate Holding, LLC, as successor in interest to Convenience Store Investments, a Wisconsin limited partnership, and 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) and Maintenance Plan – shows an accurate location of each storm water management practice affected by this Agreement and prescribes those activities that must be carried out to maintain compliance with this Agreement

<u>Note</u>: After construction verification has been accepted by the City of Waukesha, for all planned storm water management practices, an <u>addendum(s)</u> 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 Number(s) XXXXXX

- 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 B.
- 3. The Owner(s) shall, at their own cost, complete inspections of the storm water management practices at the time intervals listed in Exhibit B, 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 B. 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, 202		
Owner:		
	_	
(Owners Signature)		
(Owners Typed Name)	_	
31		
	Acknowledgements	
State of Wisconsin: County of La Crosse		
Personally came before me this day of _	, 202_, the above named	to me
known to be the person who executed the for	regoing instrument and acknowledged the same.	
		.
	Notary Public, La Crosse County, WI	
	My commission expires:	<u>·</u>
This document was drafted by:		
Christopher White, P.E. R.A. Smith, Inc		
2012/ 022200		
	For Certification Stamp	
	roi Cerillicalion Maind	

City of Waukesha Common Council Approval	
Dated this day of, 202	
Shawn N. Reilly, Mayor	
Gina Kozlik, City Clerk	
Ack	knowledgements
State of Wisconsin: County of Waukesha	
Personally came before me this day of person who executed the foregoing instrument an	, 202_, the above named to me known to be the d acknowledged the same.
	[Name] Notary Public, Waukesha County, WI
	My commission expires:

Exhibit A – Legal Description

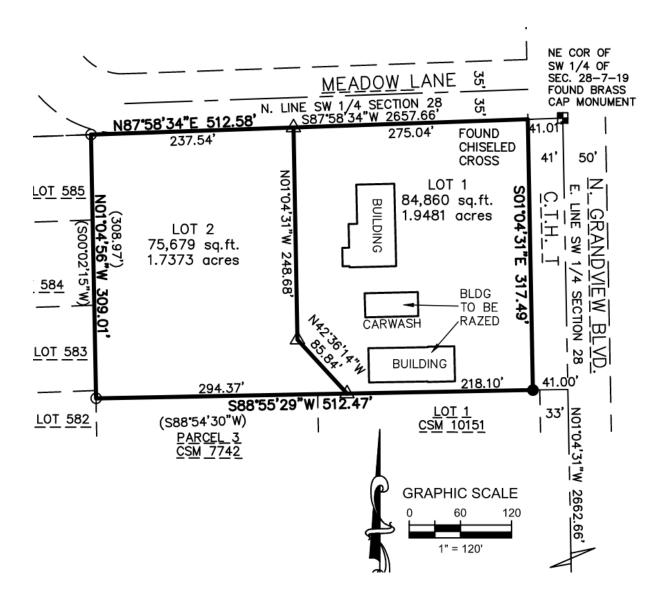
The following description and reduced copy map identify the land parcel(s) affected by this Agreement. For a larger scale view of the referenced document, contact the Waukesha County Register of Deeds office.

Project Identifier: Kwik Trip #425 Acres: 1.948

Date of Recording:

Map Produced By: RA Smith, Inc.

Legal Description: A division of Lot 1, in Certified Survey Map No. 9874 and Lots 1 & 2, in Certified Survey Map No. 9948, being in the Northeast 1/4 of the Southwest 1/4 of Section 28, in Township 7 North, Range 19 East, in the City of Waukesha, Waukesha County, Wisconsin.





Store Engineering

FAX 608-793-6237

EXHIBIT B

1626 Oak St., P.O. Box 2107 La Crosse, WI 54602

www.kwiktrip.com

Post Construction Long Term Maintenance Plan for Kwik Trip # 425: Waukesha, WI

System Description:

The site consists of a series of stormwater conveyances through sheet draining and piping. The site drains to multiple catch basins on before entering the city storm sewer system. Runoff accumulating from the north side of the site can enter the underground detention system

System Maintenance

Catch Basin / Manhole and Oil Skimmer

- The facility structure is to be checked annually for signs of damage and cracks to top slab, walls and bottom.
- The structure's cover or grate needs to be fully in place.
- Metal grates shall be free of debris and vegetation.
- Grates shall be checked for missing or broken members of the grate.
- Ladder shall be inspected for missing rungs, wall attachments, rust, cracks or sharp edges.
- The structure bottom and pipes shall be clear of vegetation and debris.
- Remove sediment when it is within 12 inches from the lowest pipe invert or 50% of sump depth.

Trench Drain

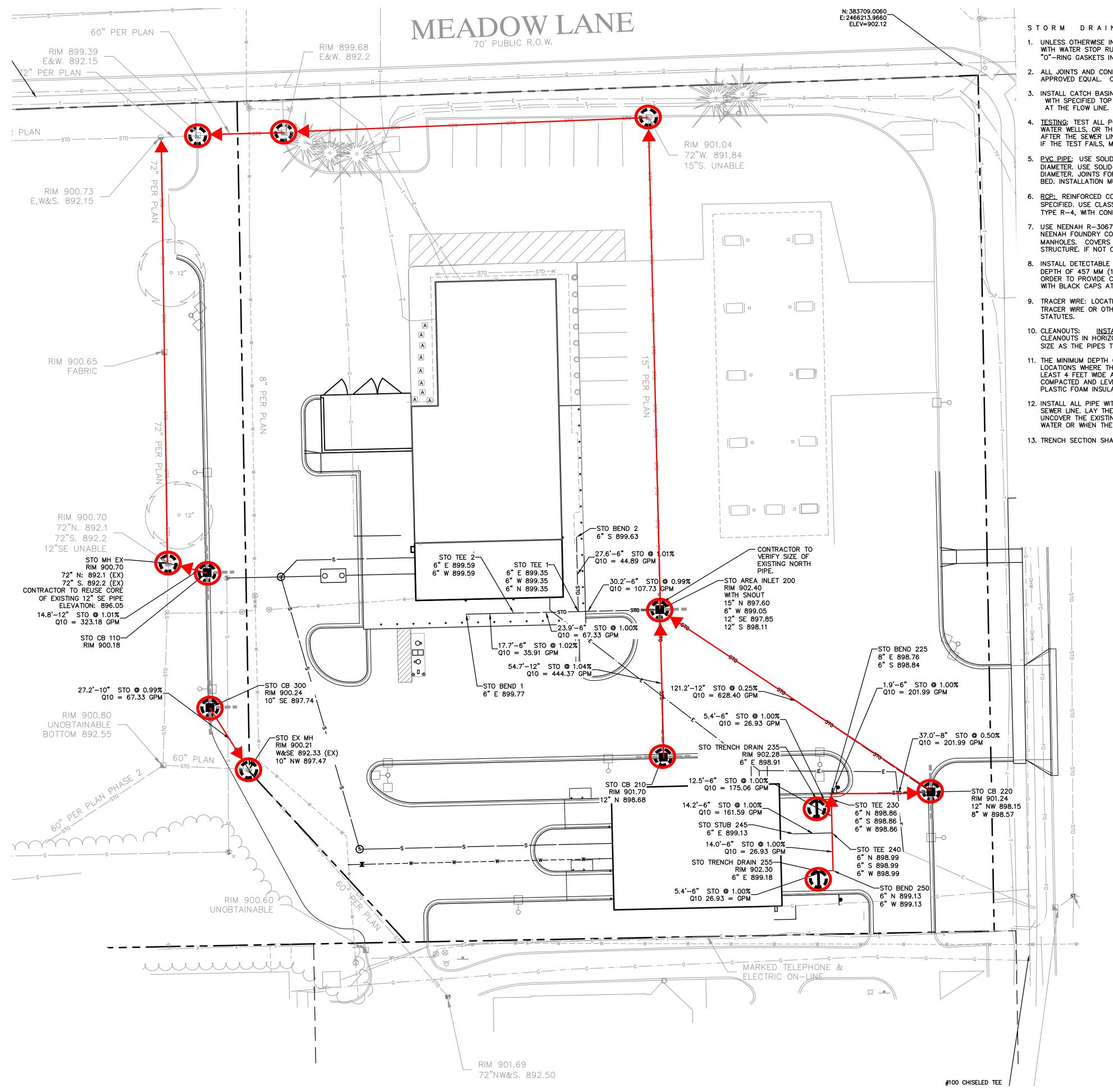
- The facility structure is to be checked annually for signs of damage and cracks to top grate.
- The structure bottom and walls shall be checked for cracks.
- Metal grates shall be free of debris and vegetation.
- Grates shall be checked for missing or broken members of the grate.
- The structure bottom and pipes shall be clear of sediment and debris.

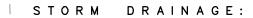


**NOTE

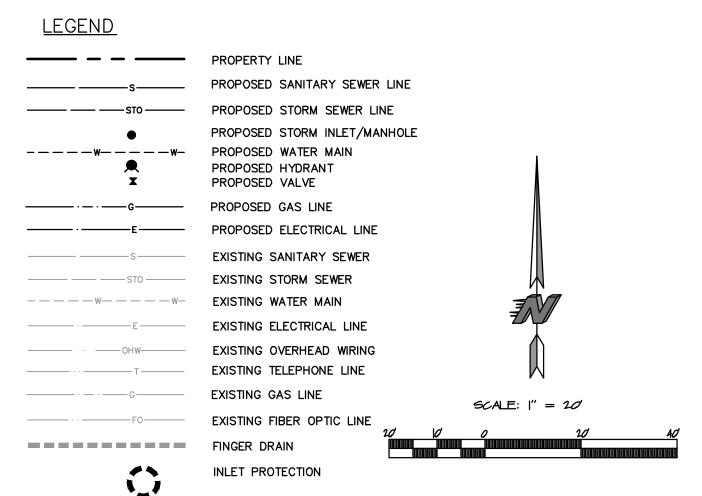
- Some sediment may contain contaminants that requires special disposal. If
 there is uncertainty about what the sediment contains or it is known to contain
 contaminants, the Department of Natural Resources should be consulted
 through Kwik Trip's Environmental Department. Generally, special attention or
 sampling should be given to sediment accumulated in fueling areas, large
 parking lots, or other areas where pollutants (other than clean soil) are
 suspected to accumulate and be conveyed by storm runoff.
- Some sediment collected may be free of pollutants and can be used as fill material. It is vital that this material not be placed in any way that will promote or allow re-suspension in the storm runoff.

Tasks	Catch Basin	Outflow Control Structures	Schedule
Inspection	Х	Х	Annual
System Clean Out	Х	х	1 Time per 4 years





- 1. UNLESS OTHERWISE INDICATED, USE REINFORCED, PRECAST, CONCRETE MAINTENANCE HOLES AND CATCH BASINS CONFORMING TO ASTM C478, FURNISHED WITH WATER STOP RUBBER GASKETS AND PRECAST BASES. JOINTS FOR ALL PRECAST MAINTENANCE HOLE SECTIONS SHALL HAVE CONFINED, RUBBER "O"-RING GASKETS IN ACCORDANCE WITH ASTM C923. THE INSIDE BARREL DIAMETER SHALL NOT BE LESS THAN 48 INCHES.
- 2. ALL JOINTS AND CONNECTIONS TO CATCH BASINS OR MANHOLES SHALL BE WATERTIGHT. USE RESILIENT RUBBER SEALS, WATERSTOP GASKETS, OR APPROVED EQUAL. CEMENT MORTAR JOINTS ARE NOT ALLOWED.
- INSTALL CATCH BASIN CASTINGS WITH SPECIFIED TOP ELEVATION
- TESTING: TEST ALL PORTIONS OF STORM SEWER THAT ARE WITHIN 10 FEET OF BUILDINGS, WITHIN 10 FEET OF BURIED WATER, LINES, WITHIN 50 FEET OF WATER WELLS, OR THAT PASS THROUGH SOIL OR WATER IDENTIFIED AS BEING CONTAMINATED. TEST ALL FLEXIBLE STORM SEWER LINES FOR DEFLECTION AFTER THE SEWER LINE HAS BEEN INSTALLED AND BACKFILL HAS BEEN IN PLACE FOR AT LEAST 30 DAYS. NO PIPE SHALL EXCEED A DEFLECTION OF 5%. IF THE TEST FAILS, MAKE NECESSARY REPAIRS AND RETEST.
- . PVC PIPE: USE SOLID-CORE, SDR-35, ASTM D3034 POLYVINYL CHLORIDE (PVC) PIPE FOR DESIGNATED PVC STORM SEWER SERVICES 4 TO 15-INCHES IN DIAMETER. USE SOLID-CORE, SDR-35, ASTM F679 POLYVINYL CHLORIDE (PVC) PIPE FOR DESIGNATED PVC STORM SEWER SERVICES 18 TO 27-INCHES IN DIAMETER. JOINTS FOR ALL STORM SEWER SHALL HAVE PUSH-ON JOINTS WITH ELASTOMERIC GASKETS. LAY ALL PVC PIPE ON A CONTINUOUS GRANULAR BED. INSTALLATION MUST COMPLY WITH ASTM D2321.
- 6. RCP: REINFORCED CONCRETE PIPE (RCP) AND FITTINGS SHALL CONFORM TO ASTM C76, DESIGN C, WITH CIRCULAR REINFORCING FOR THE CLASS OF PIPE SPECIFIED. USE CLASS IV RCP FOR PIPES 21" AND LARGER. USE CLASS V RCP FOR PIPES 18" AND SMALLER. JOINTS SHALL BE BUREAU OF RECLAMATION TYPE R-4, WITH CONFINED RUBBER "O"-RING GASKETS IN ACCORDANCE WITH ASTM C361.
- 7. USE NEENAH R-3067-R CASTING WITH CURB BOX, OR APPROVED EQUAL, ON CB. USE NEENAH R-2501-C CASTING OR APPROVED EQUAL, ON INL. USE NEENAH FOUNDRY CO. R-1642 CASTING WITH SELF-SEALING, SOLID, TYPE B LID, OR APPROVED EQUAL, ON ALL STORM SEWER MAINTENANCE HOLES AND MANHOLES. COVERS SHALL BEAR THE "STORM SEWER" LABEL. CONTRACTOR RESPONSIBLE FOR VERIFYING REQUIRED CASTING IS COMPATIBLE WITH STRUCTURE. IF NOT COMPATIBLE, CONTACT ENGINEER IMMEDIATELY FOR POSSIBLE REDESIGN.
- 8. INSTALL DETECTABLE UNDERGROUND MARKING TAPE DIRECTLY ABOVE ALL PVC, POLYETHYLENE, AND OTHER NONCONDUCTIVE UNDERGROUND UTILITIES AT A DEPTH OF 457 MM (18 INCHES) BELOW FINISHED GRADE, UNLESS OTHERWISE INDICATED. BRING THE TAPE TO THE SURFACE AT VARIOUS LOCATIONS IN ORDER TO PROVIDE CONNECTION POINTS FOR LOCATING UNDERGROUND UTILITIES. INSTALL BLUE RHINO TRIVIEW FLEX TEST STATIONS, OR APPROVED EQUAL, WITH BLACK CAPS AT EACH SURFACE LOCATION.
- 9. TRACER WIRE: LOCATING REQUIREMENTS A MEANS TO LOCATE BURIED UNDERGROUND EXTERIOR NON METALLIC SEWERS/MAINS MUST BE PROVIDED WITH TRACER WIRE OR OTHER METHODS IN ORDER TO BE LOCATED IN ACCORD WITH THE PROVISIONS OF THESE CODE SECTIONS AS PER 182.0715(2R) OF THE
- 10. CLEANOUTS: INSTALL CLEANOUTS ON ALL ROOF DRAINS, CLEANOUTS SHALL BE INSTALLED AT EVERY T CONNECTION AND BEND. THE DISTANCE BETWEEN CLEANOUTS IN HORIZONTAL PIPING SHALL NOT EXCEED 100 FEET FOR PIPES 10-INCHES AND UNDER IN SIZE, CLEANOUT SHALL BE OF THE SAME NOMINAL SIZE AS THE PIPES THEY SERVE. INSTALL A METER BOX FRAME AND SOLID LID (NEENAH R-1914-A, OR APPROVED EQUAL) OVER ALL CLEANOUTS.
- 11. THE MINIMUM DEPTH OF COVER FOR BUILDING AND CANOPY ROOF DRAIN LEADERS WITHOUT INSULATION IS 5 FEET. INSULATE ROOF DRAIN LEADERS AT LOCATIONS WHERE THE DEPTH OF COVER IS LESS THAN 5 FEET. PROVIDE A MINIMUM INSULATION THICKNESS OF 2 INCHES. THE INSULATION MUST BE AT LEAST 4 FEET WIDE AND CENTERED ON THE PIPE. INSTALL THE INSULATION BOARDS 6 INCHES ABOVE THE TOPS OF THE PIPES ON MECHANICALLY COMPACTED AND LEVELED PIPE BEDDING MATERIAL. USE HIGH DENSITY, CLOSED CELL, RIGID BOARD MATERIAL EQUIVALENT TO DOW STYROFOAM HI-40 PLASTIC FOAM INSULATION.
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- 13. TRENCH SECTION SHALL BE CLASS "C" FOR CONCRETE AND CLASS "B" FOR ALL OTHER MATERIALS.





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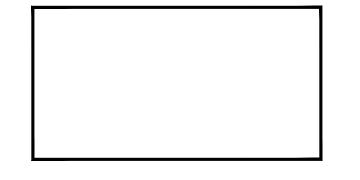
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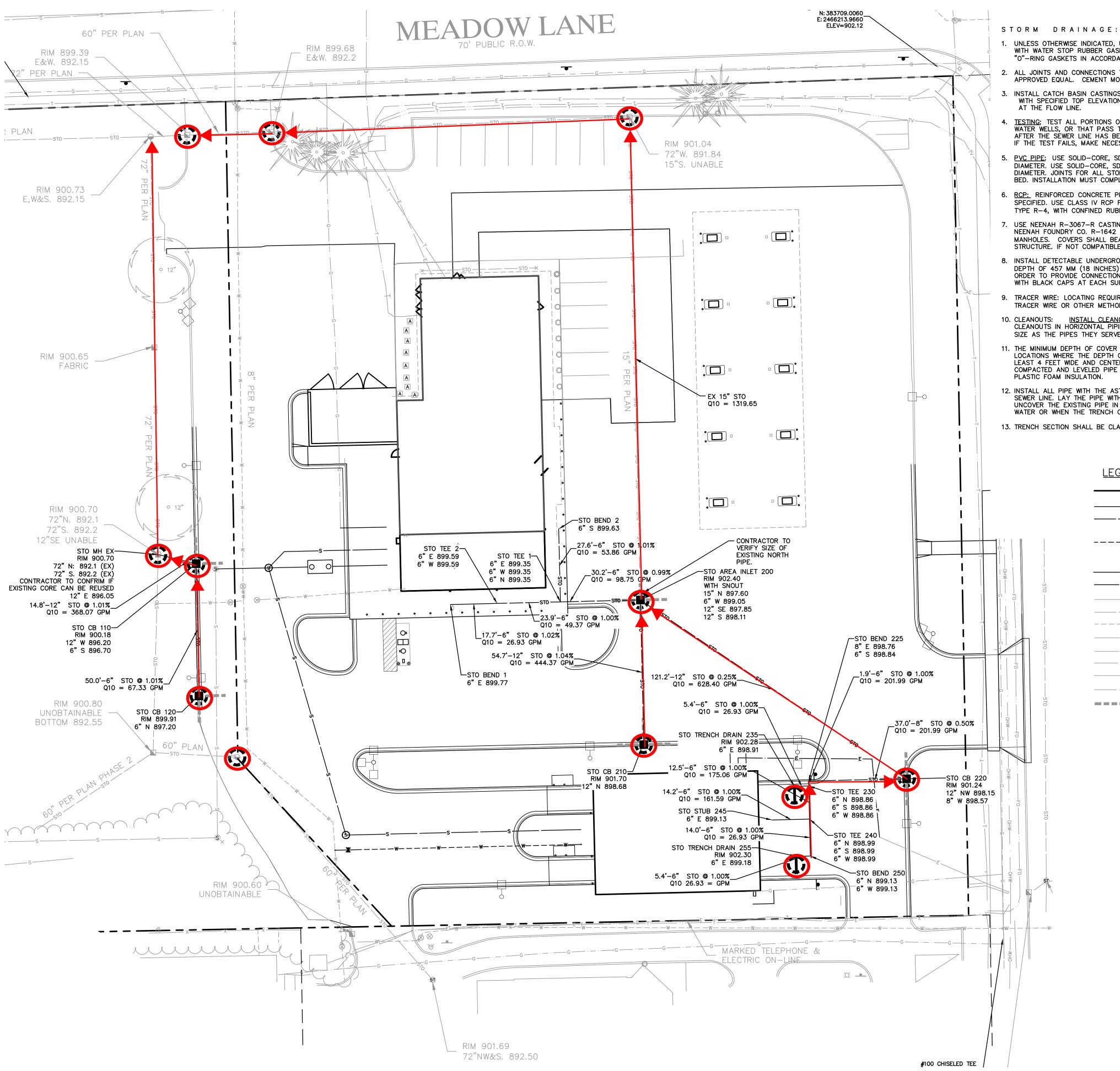
KWIK TRIP, Inc. P.O. BOX 2107 1626 OAK STREET LA CROSSE, WI 54602-2107 PH. (608) 781-8988 FAX (608) 781-8960





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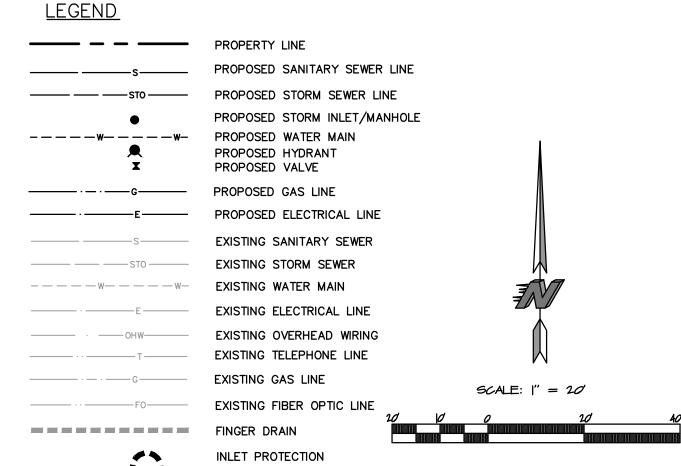
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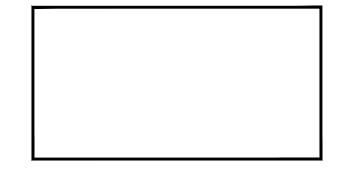
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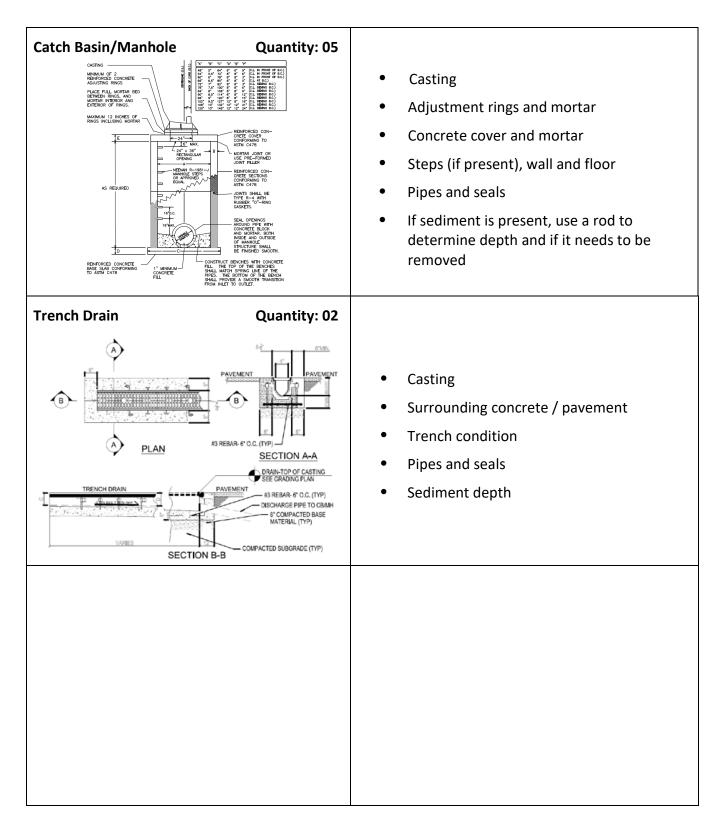
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Kwik Trip Stormwater BMP Inspection

Store #: <u>425</u>				Nu	Number of BMPs: 6		
Location (City, State): Wa	ukesha, WI			W	eather:		
Inspection date:			Ins	Inspection By:			
		In	spectio	n Results:			
Maintenance Required:	YES	NO	N/A	Maintenance Required:	YES NO	N/A	
Infall Erosion				Woody Vegetation			
Outfall Erosion				Sparse/Weedy Vegetation			
Outlet Structure				Infiltration Failure			
Depth/Sediment Accumulation				Algae			
Basin Liner				Invasive Species			
Safety Shelf				Permanent Pool Leve			
Other Structures				Other			
**Attach pictures on lass Communication Notes							
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To whom:							
Comments:							







Photos Before Maintenance	Photos After Maintenance
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