

Storm Water Management Practice Maintenance Agreement

Document Number

Waukesha School District, 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
201 Delafield Street
Waukesha, WI 53188

Parcel Identification Number(s) – (PIN)

 add parcel tax key #

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 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:

owner sign and notarize
←

(Owners Signature)

(Owners Typed Name)

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:_____.

This document was drafted by:

Kapur & Associates Inc.

7711 N. Port Washington Rd.
Milwaukee, WI 53217



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: **Butler Middle School** Acres: **8.67**

Date of Recording: **April 2, 2019**

Map Produced By: **Kapur and Associates 7711 N. Port Washington Rd. Milwaukee, WI**

Legal Description: **All that part of the NE 1/4, of Section 4, Township 06 North, Range 19 East, City of Waukesha, Waukesha County, Wisconsin.**

Tax Key number: **WAKC1309086**

← add legal description; this is a general location description

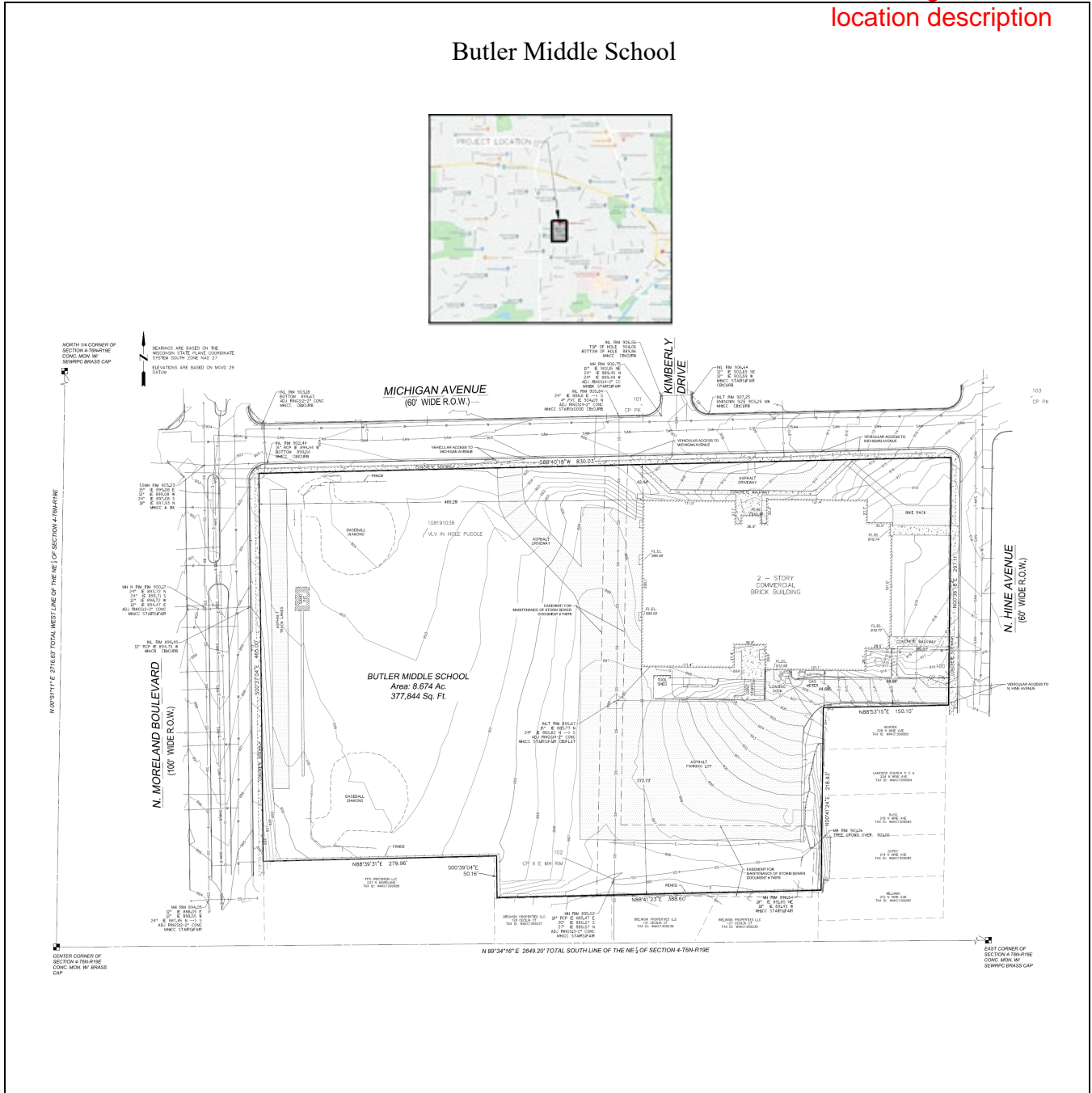


Exhibit B - Location Map

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 one bio-retention basin and all associated pipes, earthen berms, and other components of these practices.

Project Name: Butler Middle School
Storm water Practices: Bio-Retention Basin (1)
Location of Practices: South portion of project site

Plan View of Storm Water Practices
Figure 1

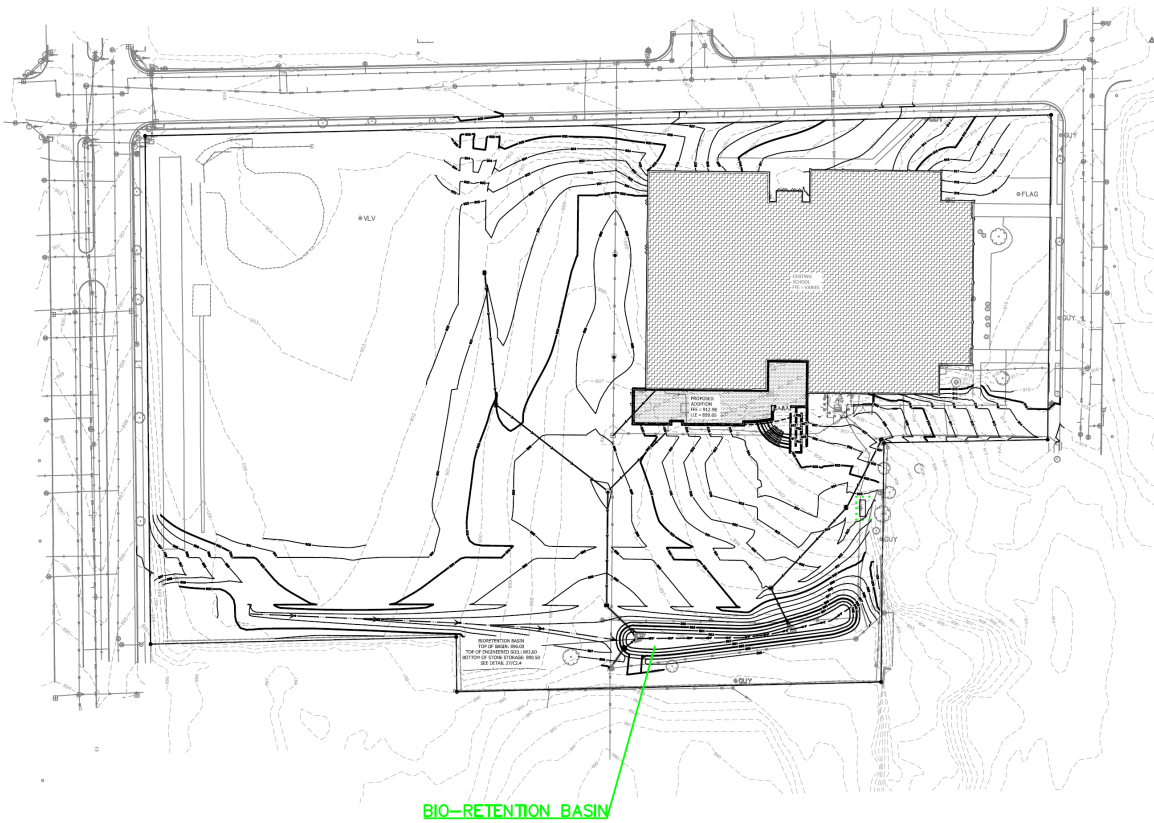


Exhibit C

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 bio-retention basin is designed to trap 58.95% of sediment in runoff and maintain pre-development downstream peak flows. The bio-retention basin receives runoff from 3.92 acres. The water level in the bio-retention basin is controlled by a 21" concrete pipe, two (2) 6" drain tile, 48" standpipe, and a 12' spillway. The drain tile and standpipe control the water level and causes the bio-retention basin to temporarily rise during runoff events. During high rainfall events, the water spills over the spillway. "As-built" construction drawings of the basin, 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 long-term function of the storm water management practices described above, the following activities must be completed:

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 3-4 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.
 - If burning of the native grass is not possible, a 5- to 8- inch mowing every 3 to 4 years may suffice as a substitute management technique. The mowed area should be raked and performed in the spring.
 - 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 glyphosphate 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, 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 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. Heavy equipment and vehicles must be kept off of the bottom and side slopes of the bio-retention 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 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.
 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 the bio-retention basin may attract nuisance populations of geese to the property and is not necessary or recommended.
 11. The estimated life of the outlet structure is 75 to 100 years. Annual inspection of the structures will disclose any potential structural problems. If structural problems appear, repair or replace the outlet.
 12. Annual inspection of the bio-retention basin side slope and bottoms shall be conducted to disclose any potential leaks or seepage through the liners. If any appear to exist, corrective measures shall be taken.
 13. A sediment clean-out cycle of 10 to 15 years is recommended. Sediment removal may be necessary prior to 10 years if there is a substantial amount of land disturbance occurring within the contributory watershed. Annual inspections shall be made to ensure that the design depth and the available volume for storage is maintained, along with the infiltration capacity of the engineered soil.
 - Sediment removed from the bio-retention basin bottoms shall be hauled to an upland area, spread and stabilized with vegetative material in accordance with NR 500, Wisc. Admin. Code.
 - It is recommended that the sediment be tested to determine if land filling is necessary. Contact the local DNR prior to sediment sampling and testing to ensure compliance with State standards and regulations.
 14. pH tests are recommended to be conducted annually to ensure that proper treatment of the runoff is evident.
 - The engineered soil shall have a pH between 5.5 and 8.0. If the pH is observed to be out of this range, corrective measures shall be taken.
 15. Any other repair or maintenance needed to ensure the continued function of the bio-retention basin as ordered by the City of Waukesha under the provisions listed on page 1 of this Agreement.
 16. 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.

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 at Butler Middle School, described as being all that part of the NE 1/4, of Section 4, Township 06 North, Range 19 East, City of Waukesha, 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 bio-retention basin.

Exhibit E: As-built Survey – shows detailed “as-built” cross-section and plan view of the Bio-retention basin.

Exhibit F: Engineering/Construction Verification – provides verification from the project engineer that the design and construction of the bio-retention 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.

Dated this ___ day of _____, 2021.

Owner:

[Owners Signature – per the Maintenance Agreement]

[Owners Typed Name]

owner sign

add City address

Name and Return Address

Parcel Identification Number(s) – (PIN)

add parcel tax key

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: _____.

This document was drafted by:

Kapur & Associates Inc.

7711 N. Port Washington Rd.

Milwaukee, WI 53217

(Sample)

Exhibit D

Design Summaries for Bio-Retention Basin #1

Project Identifier: Butler Middle School **Project Size:** 5.44 Acres **No. of Lots:** 1
Number of Runoff Discharge Points: 2 **Watershed (ultimate discharge):** Upper Fox River
Watershed Area (including off-site runoff traveling through project area): 6.14 acres (0.61 acres off-site)

Watershed Data Summary. The following tables summarize the watershed data used to determine peak flows and runoff volumes required to design bio-retention basin #1.

Pre-Development Watershed Data Summary				
Summary Data Elements	E-1 Existing Central	E-2 Existing to North	E-3 Existing to West	OFF-E Offsite Area
Watershed Area	4.66 acres	0.39 acres	0.48 acres	0.61 acres
Land Uses (Acres of Each)	0.01 acres roof 1.71 acres paved 0.13 acres sidewalk 2.81 acres grass	0.11 acres paved 0.10 acres sidewalk 0.18 acres grass	0.48 acres grass	0.18 acres roof 0.08 acres paved 0.35 acres grass
Weighted Runoff Curve Numbers	87	90	80	88
Time of Concentration (Tc)	21.8 minutes	6.0 minutes	15.5 minutes	6.0 minutes
1-year/24-hour Peak Flow	6.10 cfs	0.98 cfs	0.49 cfs	1.40 cfs
2-year/24-hour Peak Flow	7.37 cfs	1.16 cfs	0.62 cfs	1.67 cfs
10-year/24-hour Peak Flow	12.19 cfs	1.81 cfs	1.15 cfs	2.69 cfs
100-year/24-hour Peak Flow	22.69 cfs	3.19 cfs	2.39 cfs	4.88 cfs

Post-Development Watershed Data Summary					
Summary Data Elements	P-1 Captured to Bio-retention	P-2 Uncaptured to Central	P-3 Uncaptured to North	P-4 Uncaptured to West	OFF-P Offsite Area
Watershed Area	3.92 acres	0.92 acres	0.33 acres	0.36 acres	0.61 acres
Land Uses (Acres of Each)	0.13 acres roof 1.51 acres paved 0.44 acres sidewalk 0.05 acres bioretention 1.79 acres grass	0.29 acres paved 0.04 acres sidewalk 0.59 acres grass	0.05 acres sidewalks 0.28 acres grass	0.06 acres paved 0.02 acres sidewalk 0.28 acres grass	0.18 acres roof 0.08 acres paved 0.35 acres grass
Weighted Runoff Curve Numbers	90	87	83	84	88
Time of Concentration (Tc)	22.8 minutes	6.0 minutes	6.0 minutes	8.9 minutes	6.0 minutes
1-year/24-hour Peak Flow	5.89 cfs	2.02 cfs	0.58 cfs	0.59 cfs	1.40 cfs
2-year/24-hour Peak Flow)	6.97 cfs	2.43 cfs	0.72 cfs	0.73 cfs	1.67 cfs
10-year/24-hour Peak Flow	11.03 cfs	3.97 cfs	1.24 cfs	1.25 cfs	2.69 cfs
100-year/24-hour Peak Flow	19.68 cfs	7.28 cfs	2.43 cfs	2.42 cfs	4.88 cfs

Practice Design Summary. The following table summarizes the data used to design bio-retention basin #1.

Design Element	Design Data
Site assessment data: (see attached maps)	
Contributing drainage area to basin (subwatersheds P-1 and OFF-P)	4.53 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	average 3.5%
Any buried or overhead utilities in the area?	No
Proposed outfall conveyance system/dischage (w/ distances)	22 ft. to existing storm sewer
Any downstream roads or other structures? (describe)	No
Floodplain, shoreland or wetlands?	No
Soil investigation data (see attached map & soil logs):	
Number of soil investigations completed	22 (2 in basin area)
Do elevations of test holes extend 3 ft. below proposed bottom?	Yes
Average soil texture at pond bottom elevation (USDA)	SiC
Distance from pond bottom to bedrock	> 15 feet
Distance from pond bottom to seasonal water table	6.5 ft
General basin design data (see attached detailed drawings):	
Bio-retention basin surface area	0.14 acres
Engineered soil elevation	elev. 892.0
Top of berm elevation (after settling) and width	elev. 896.0 / 5 feet wide
Length/width (dimensions/ratio)	235 ft. (L) x 35 ft. (W) = 6.7:1

Bio-Retention - Inflow, Outflow, & Storage Data (BIO)						
Design Storm	Peak Inflow Rate (cfs)	Peak Outflow Rate (cfs)	Max. Water Elevation (ft)	Storage Volume at Max. Elev. (cu ft)	Time to Drain (hrs)	Outflow Control Structures
1-yr/24-hour	6.31	3.44	893.06	4,509	12	#1
2-yr/24-hour	7.47	3.65	893.47	6,107	12.50	#1
10-yr/24-hour	11.81	10.95	893.81	7,627	12.75	#1, #2
100-yr/24-hour	21.06	20.80	894.05	8,812	13	#1, #2
The controlling elements are summarized below						
#1 = 6'' Drain tile x 2 at elevation 889.50'			#2 = 48'' Standpipe at elevation 893.50'			
#3 = Emergency Spillway at elevation 895.00'						

Total Storm Water Flow Leaving Site		
Design Storm MSE3	Pre-Developed Peak Discharge Rate	Post-Development Peak Discharge Rate
1-yr/24-hour	7.28 cfs	5.69 cfs
2-yr/24-hour	8.80 cfs	6.66 cfs
10-yr/24-hour	14.61 cfs	12.46 cfs
100-yr/24-hour	27.34 cfs	24.49 cfs

WinSLAMM Model Output Results	
Required TSS Reduction	Modeled TSS Reduction
40%	58.95%

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.

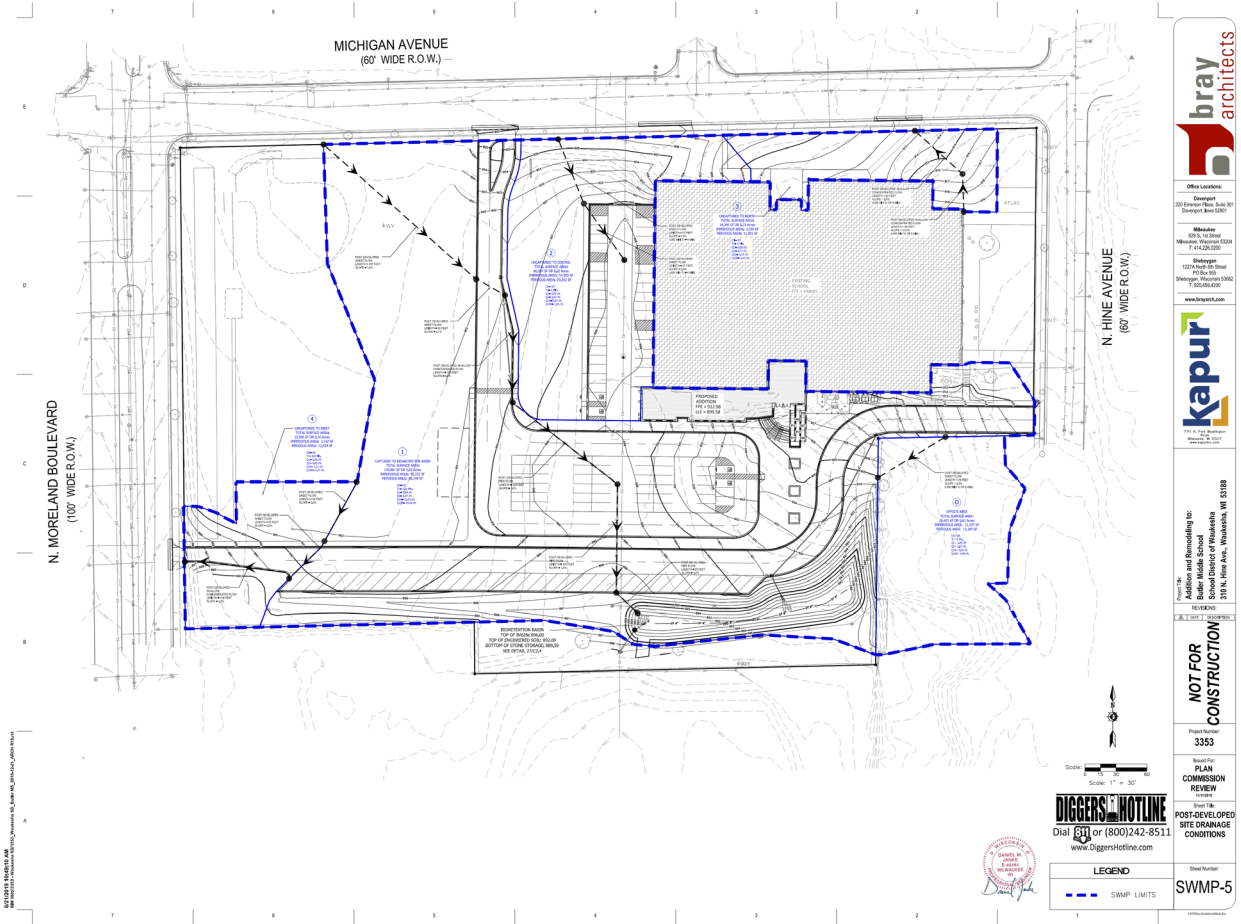
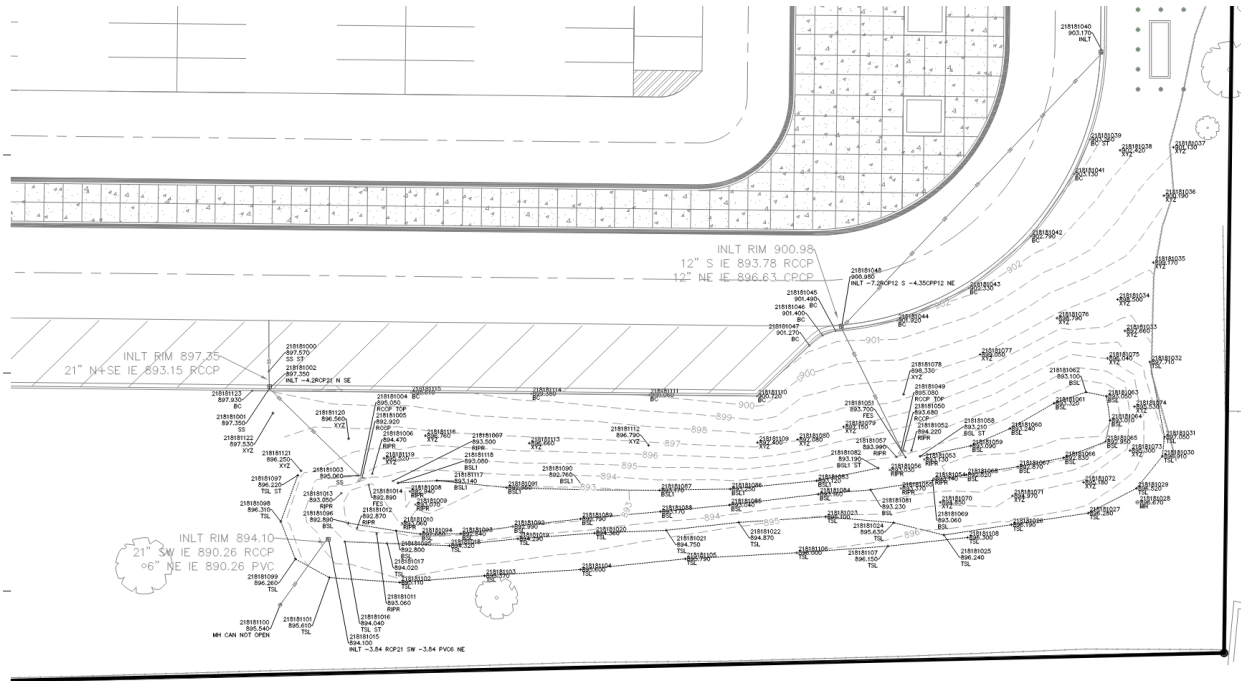


Exhibit E

As-built Survey for Bio-Retention Basin #1

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

Project Identifier: Butler Middle School
Storm water Practice: Bio-Retention Basin (1)
Location of Practice: South portion of project site



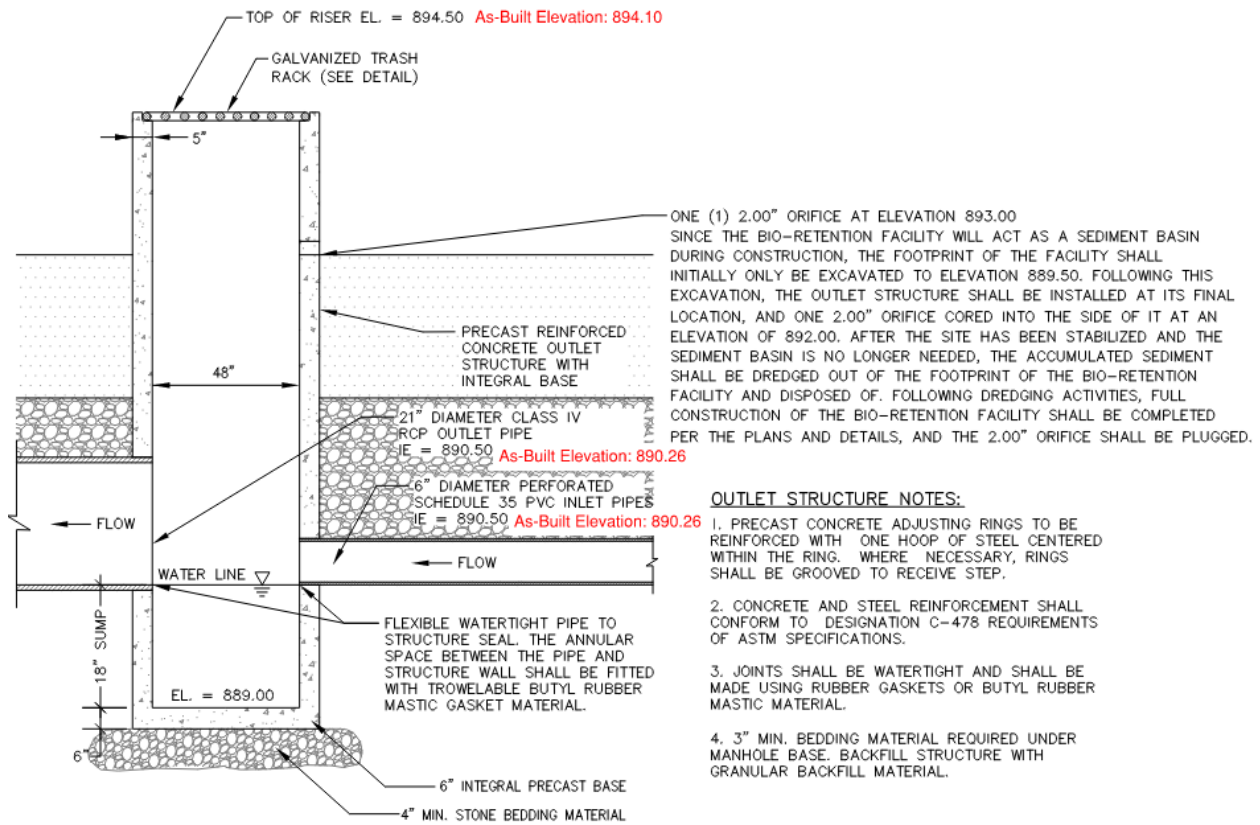
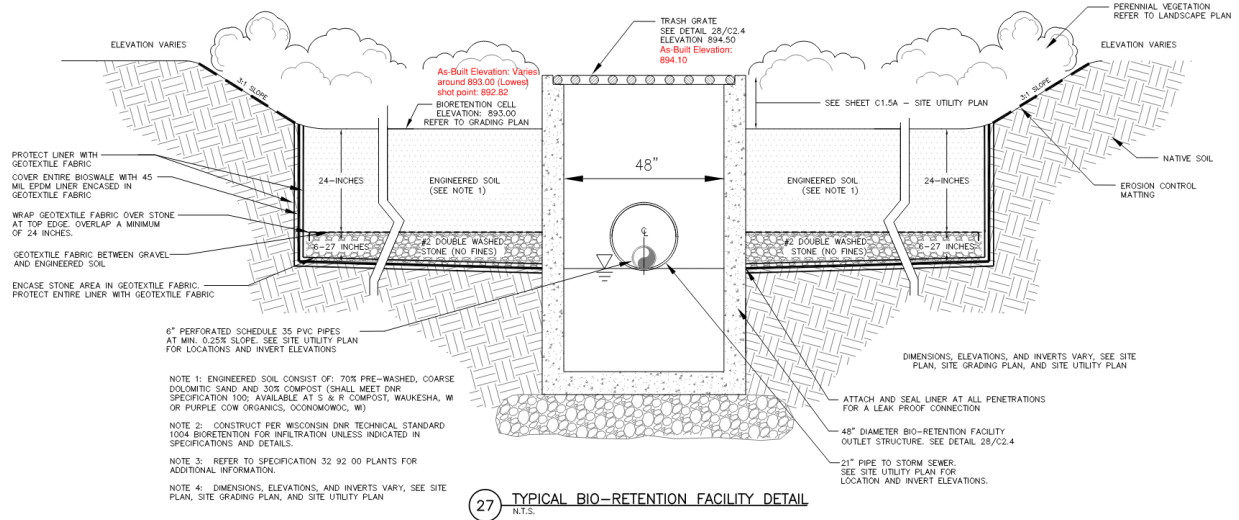


Exhibit "F"
Engineering/Construction Verification

DATE: August 26, 2021

TO: City of Waukesha

FROM: Daniel Janke, Kapur

RE: Engineering/Construction Verification for the following project:
Project Name: Butler Middle School
Section _____, Town of _____
Storm Water Management & Erosion Control Permit # _____
Storm Water Management Practices: _____

update



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.

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.



Exhibit G
Storm Water Management and Erosion Control Permit Termination

Project Identifier: Butler Middle School

Location: All that part of the NE 1/4, of Section 4, Township 06 North, Range 19 East, City of Waukesha, Waukesha County, Wisconsin

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

↙ update

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 _____, 2021.

City of Waukesha representative:

(Signature)

(Typed Name and Title)

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: _____