

# Storm Water Management Practice Maintenance Agreement

Document Number

900 Gale St., LLC  
501 SE 5<sup>th</sup> St.  
Milford, DE 19963

c/o Nick Lee, 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) – WAKC1003214

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 \_\_\_\_\_, 20\_\_.

**Owner:**

\_\_\_\_\_  
Nick Lee, General Manager  
Burris Logistics

## Acknowledgements

State of Wisconsin:  
County of Waukesha

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, 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:**

**James Zsebe, PE**  
**Stormwater Solutions Engineering, LLC**  
**247 Freshwater Way, Suite 410**  
**Milwaukee, WI 53204**



City of Waukesha Common Council Approval

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Shawn N. Reilly, Mayor

\_\_\_\_\_  
Gina Kozlik, City Clerk

**Acknowledgements**

State of Wisconsin:  
County of Waukesha

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, 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 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: **Burris Logistics** Acres: **13.26**

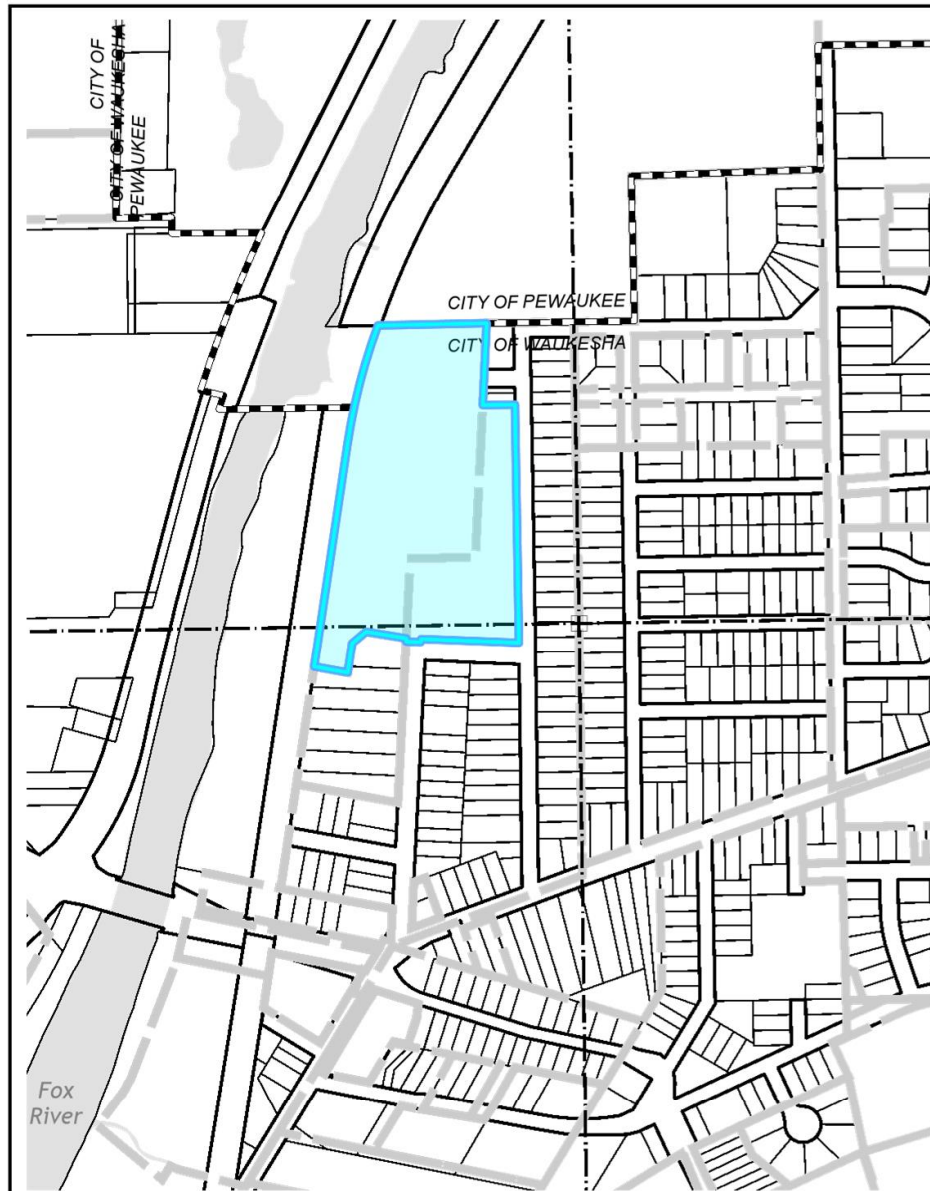
Date of Recording: 9/30/2021

Map Produced By: Waukesha County GIS

Legal Description:

Being all of Lots 1 - 10 in Block D and all of Lots 22 - 29 in Block E ALSO part of Lot 21 and Part of Lot 20 in Block E AND that part of Vacated White Rock Avenue AND that part of Vacated Gale Street all in the Plat of White Rock Spring Addition to the Village of Waukesha, as recorded in the Register of Deeds office for Waukesha County as Document No. 9348, and additional lands in the Southwest 1/4 and Northwest 1/4 of Section 35, Township 7 North, Range 19 East, City of Waukesha, Waukesha County, Wisconsin, described as follows: Commencing at the southeast corner of the Northwest 1/4 of said Section 35; thence South 89°08'35" West along the south line of said Northwest 1/4, 199.68 feet to the west right of way line of Jefferson Avenue; thence South 00°51'28" East along said west right of way line, 59.26 feet to the north right of way line of the relocated Gale Street and the Point of Beginning; Thence North 87°41'28" West along said north right of way line, 324.86 feet; thence South 12°16'30" West along said north right of way line, 10.14 feet; thence North 87°41'28" West along said north right of way line, 47.00 feet to the east line of Whiterock Ridge, a recorded subdivision; thence the following courses along said Whiterock Ridge: North 02°55'32" East, 9.82 feet; North 80°45'28" West, 135.24 feet; South 50°02'32" West, 60.00 feet; South 08°34'32" West, 100.00 feet; North 79°41'28" West, 112.98 feet to the east right of way line of the Canadian National Rail Road; hence North 08°34'32" East along said east line, 746.51 feet to a point on a curve; thence northeasterly 407.09 feet along the arc of said curve to the right, whose radius is 1960.82 feet and whose chord bears North 14°31'24" East, 406.36 feet; thence North 88°54'32" East, 360.39 feet to the west line of White Rock Spring Addition, a recorded subdivision; thence South 02°46'34" West along said west line, 212.18 feet to the south right of way line of Vine Street, un-improved; thence North 89°10'32" East along said south right of way, 102.80 feet to the aforesaid west right of way line of Jefferson Avenue; thence South 00°51'28" East along said west right of way line, 847.45 feet to the Point of Beginning.

The foregoing legal description describes the same property as shown in the vesting deed.



Legend

- Corporate Limit Bc
- PLSS Corners
  - Center of Section
  - Closing Corner
  - Ghost Corner
  - Meander Corner
  - Quarter Corner
  - Section Corner
  - Standard Corner
  - Township Corner
  - Witness Corner
- PLSS Line
  - PLSS Township
  - PLSS Section
  - PLSS Quarter Sec
- Conveyance Doc
  - Assessor's Plat
  - Condominium Plat
  - Certified Survey M
  - Subdivision Plat
- Tax Parcel
- Rights of Way
  - Dedicated
  - Perscriptive
  - Proposed
  - Reserved
  - Vacated
  - <all other values>
- Water

0 542.34 Feet

Notes:

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.



Printed: 7/22/2022

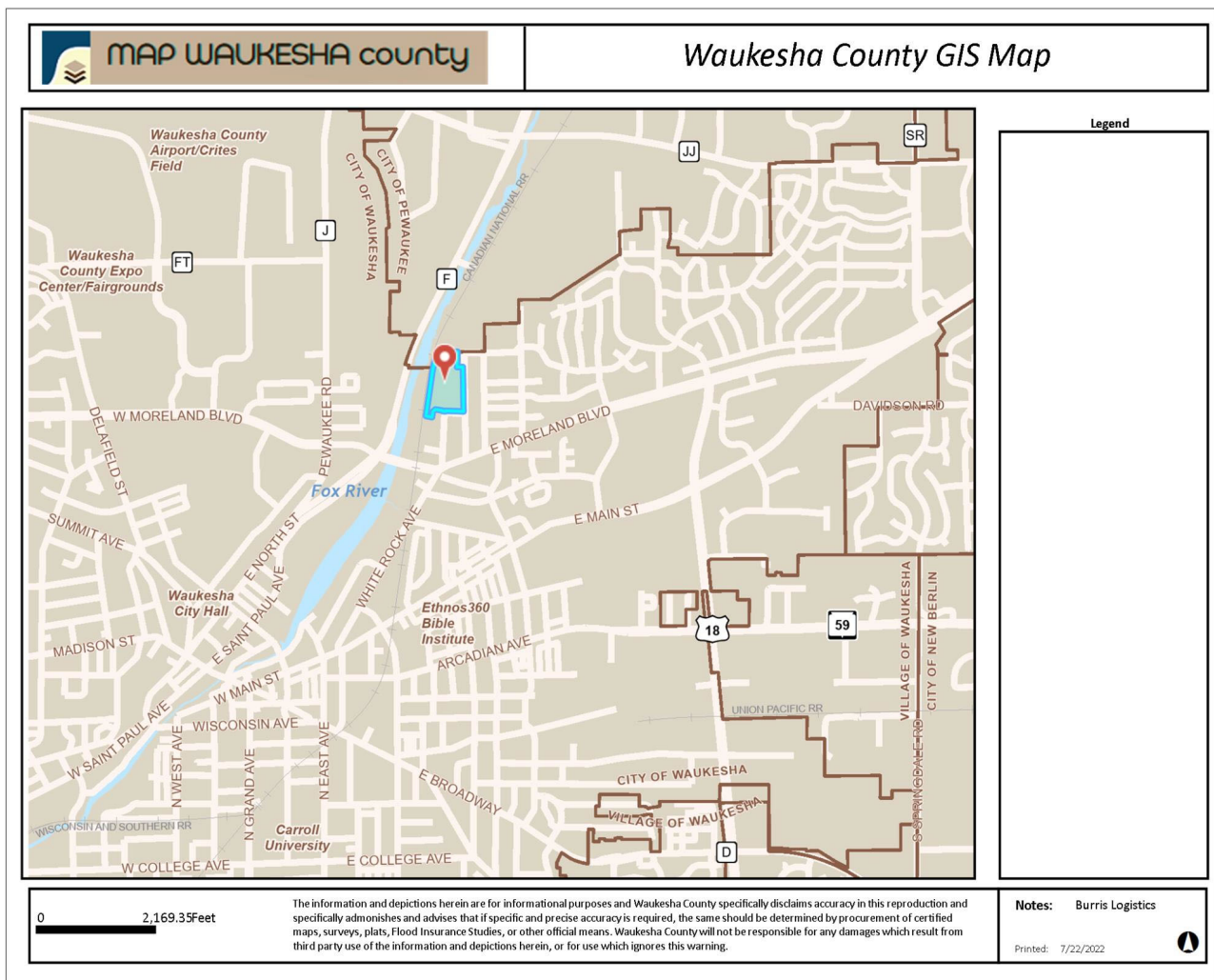
Drainage Easement Restrictions: Shaded area on map indicates a drainage easement for storm water collection, conveyance and treatment. No buildings or other structures are allowed in these areas. No grading or filling is allowed that may interrupt storm water flows in any way. See Exhibit C for specific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

## Exhibit B - Location Map

### Storm Water Management Practices Covered by this Agreement

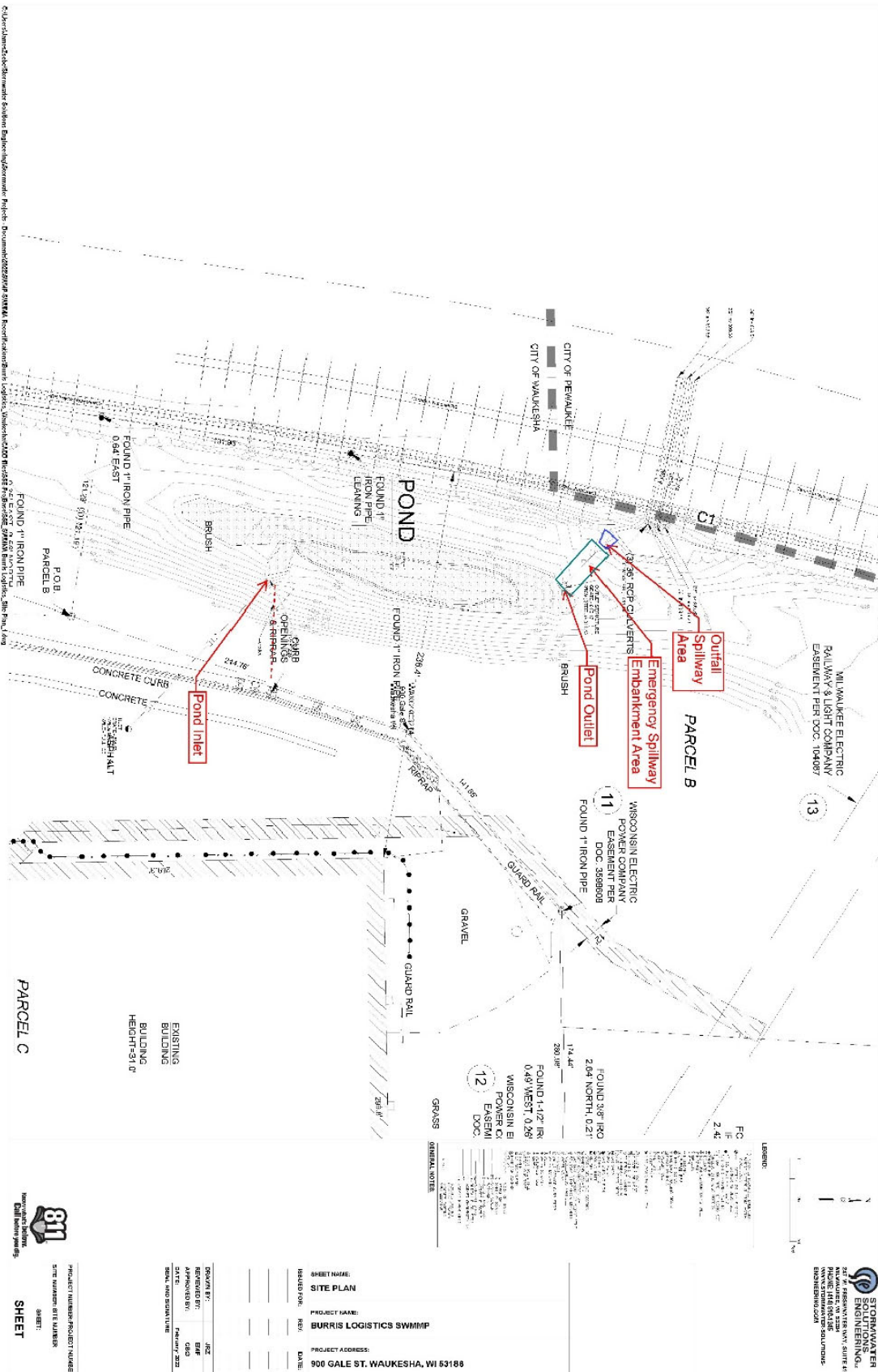
The storm water management practices covered by this Agreement are depicted in the reduced copy of the site plan as shown below (Figure 1). The practices include one wet detention basin, one forebay, one rock-lined swales (conveying some of the storm water from the parking area to the pond), one inlet pipe from the parking area and rooftop drainage, one outlet pipe & trash rack and all associated storm sewers, earthen berms, curb cuts, rock chutes and other components of these practices. All the noted storm water management practices are located on the parcel shown in Exhibit A.

Subdivision Name:      **White Rock Springs Addition**  
Storm water Practices:    **Wet Detention Basin "Pond"**  
Location of Practices:    **900 Gale St. (Burris Logistics)**  
Owners:                      900 Gale St.





## 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 site. 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 wet detention basin is designed to trap sediment in runoff and maintain pre-development downstream peak flows. The basin has one forebay (smaller pond) located at the inlet pipe on the southeast corner. The forebay is approximately 1.7 feet deep and is connected to the main pool. The forebay will trap coarse sediments in runoff, such as debris, coarse gravel & sands, thus reducing maintenance of the main basin. The main pool will trap the finer suspended sediment. To do this, the pond size, water level and outlet structures must be maintained as specified in this Agreement.

The main basin receives runoff from an approximately 7.5-acre drainage area (all from on-site). During high rainfall or snow melt events, the water from the rooftop and parking areas drain to the catch basin inlets and to the 18-inch concrete storm sewer pipe connected to the pond inlet. Some of the sheet flow runoff drains from the paved parking area through curb cuts and down a vegetated slope to the pond. The water level in the pond is controlled by an 8-inch discharge pipe extending through the berm in the northwest corner of the basin (see Site Plan). Washed stone (1-2" diameter) is placed in front of the outlet pipe on the western side of the berm to prevent clogging. High flows may enter the grated concrete riser or flow over the emergency spillway.

#### **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. The inlet and outlet pipes to the basin must be checked monthly to ensure there is no blockage from floating debris, trash or leaves on the trash rack over the outlet pipe in the northwest corner of the main basin. Any blockage must be removed immediately.
2. Curb cuts from the paved parking areas shall be preserved to allow free flowing of surface runoff. The areas on the embankment below the curb cuts shall be inspected monthly for erosion and scour. The riprap behind the curb cuts shall be maintained and kept free of litter, debris, leaves and other vegetation.
3. Curb cuts, inlets and outlets must be checked after heavy rains (minimum of annually) for signs of erosion. Any eroding areas must be repaired immediately to prevent premature sediment build-up in the downstream forebay or basin. Erosion matting is recommended for repairing grassed areas.
4. NO trees are to be planted or allowed to grow on the earthen berm in the emergency spillway embankment area on the northwest corner of the basin (see Site Plan). Tree root systems can reduce soil compaction and cause berm failure. The berms must be inspected annually, and any woody vegetation removed.
5. 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.
6. If floating algae or weed growth becomes a nuisance (decay odors, etc.), it must be removed from the basin or the forebay and deposited where it cannot drain back into the basin. 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.
7. When sediment in the forebay or the basin has accumulated to an elevation of three feet below the outlet elevation, it must be removed. 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. The forebay will likely need sediment removal first. Failure to remove sediment from the forebay will cause resuspension of previously trapped sediments and increase downstream deposition.
8. No grading or filling of the basin or berm other than for sediment removal is allowed, unless otherwise approved by the City of Waukesha.
9. Any other repair or maintenance needed to ensure the continued function of the storm water practices or as ordered by the City of Waukesha under the provisions listed on page 1 of this Agreement.
10. 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 10<sup>th</sup> and July 10<sup>th</sup> 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 Burris Logistics, 900 Gale St., Waukesha, WI. 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:** Not Used

**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:** Not Used

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Owner:**

Name and Return Address

City of Waukesha  
201 Delafield Street  
Waukesha, WI 53188

Parcel Identification Number(s) – WAKC1003214

Nick Lee, General Manager  
Burris Logistics

**Acknowledgements**

State of Wisconsin County of Waukesha  
Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, 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:**

**James Zsebe, PE**  
**Stormwater Solutions Engineering, LLC**  
**247 Freshwater Way, Suite 410**  
**Milwaukee, WI 53204**

*For Certification Stamp*

**Exhibit D  
(Not Used)**



**Exhibit F**  
**Engineering/Construction Verification**

DATE: July 13, 2022

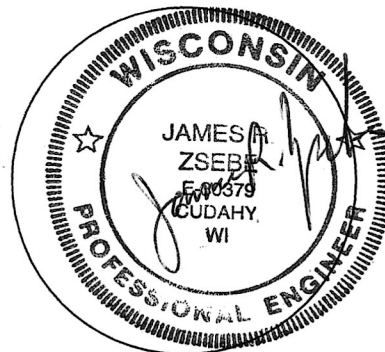
TO: City of Waukesha

FROM: James Zsebe, PE  
Stormwater Solutions Engineering, LLC

RE: Engineering/Construction Verification for the following project:  
Project Name: Burris Logistics (900 Gale St.)  
Section 35, Town of Waukesha  
Storm Water Management & Erosion Control Permit # \_\_\_\_\_  
Storm Water Management Practices: Wet detention basin

---

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 "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.



(Signed P.E. stamp must be included)

**Exhibit G  
(Not Used)**