#### Storm Water Management Practice Maintenance Agreement

Document Number

WRC Waukesha, LLC, 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:** <u>Legal Description</u> 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: <u>Maintenance Plan</u> – 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 <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:

#### 4098759

REGISTER OF DEEDS WAUKESHA COUNTY, WI RECORDED ON

September 08, 2014 09:56 AM James R Behrend Register of Deeds

25 PGS

TOTAL FEE:\$30.00 TRANS FEE:\$0.00

Book Page -



Name and Return Address

City of Waukesha 130 Delafield Street Waukesha, WI 53188

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. Upon written notification by City of Waukesha or their designee, the Owner(s) shall, at their own cost and within a reasonable time period determined by the City of Waukesha, have an inspection of the storm water management practice conducted by a qualified professional, file a report with the City of Waukesha 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.
- 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).

07,015

Dated this 17th June, 2014.  Owner: Standard  Clinton Woodman  Manager WRC Waukesha, LLC  Vice President Woodman's Food Market	
	Acknowledgements
WRC Waukesha, LLC and Vice President of	Ture, 2014, the above named <u>Clinton Woodman, Manager</u> Woodman's Food Market, Inc. to me known to be the person who
executed the foregoing instrument and acknowledges	Notary Public, Waukesha County, WI My commission expires: 1-22.2018
This document was drafted by:  Aaron J. Schneider, P.E. R.A. Smith National, Inc. 16745 W. Bluemound Rd. Brookfield, WI 53005-5938	

# 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 on Outlot 3 of Certified Survey Map 10946, located in the SE ¼ of the SE ¼ of Section 35 and the SW ¼ of the SW ¼ of Section 36, Township 7 North, Range 19 East and Outlot 4 of Certified Survey Map 10945, located in the SW ¼ and the NW ¼ of the SW ¼ of Section 36, Township 7 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 wet detention basin.

**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: 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.

City of Waukesha	
130 Delafield, Street	

Name and Return Address

Parcel Identification Number(s) – (PIN)

Dated this 2 day of June, 2014.
Owners Standard  Clinton Woodman  Manager WRC Waukesha, LLC  Vice President Woodman's Food Market
Acknowledgements
State of Wisconsin County of Waukesha  Personally came before me this 17 day of Ture, 2014, the above named Clinton Woodman, Manager  WRC Waukesha, LLC and Vice President of Woodman's Food Market, Inc. to me known to be the person who executed the foregoing instrument and acknowledged the same.
Notary Public, Waukesha County, WI My commission expires: /- 22-7018
This document was drafted by:
Aaron J. Schneider, P.E. R.A. Smith National, Inc. 16745 W. Bluemound Rd. Brookfield, WI 53005-5938

#### Exhibit A Legal Description

Project Identifier:

See Below

Date of Recording:

See Below

Map Produced By:

R.A. Smith National, Inc.

Legal Description:

Lots 1 and 2 Certified Survey Map No. 10943 recorded on February 3, 2012 in Volume 106 at Page 283-291 as Document No. 3891684, being a division of Lot 2 of Certified Survey Map No. 5245 and lands, located in the Southeast ¼ and the Northeast ¼ of the Southeast ¼ of Section 35 and the Southwest ¼ and the Northwest ¼ of the Southwest ¼ of Section 36, Township 7 North, Range 19 East, City of Waukesha, Waukesha County, Wisconsin; and

Lots 3, and 7 and Outlot 1 Certified Survey Map No. 10944 recorded on February 3, 2012 in Volume 106 at Page 292-302 as Document No. 3891685, being a division of Lot 3 of Certified Survey Map No. 10943, located in the Southeast ¼ and the Northeast ¼ of the Southeast ¼ of Section 35 and the Southwest ¼ and the Northwest ¼ of the Southwest ¼ of Section 36, Township 7 North, Range 19 East, City of Waukesha, Waukesha County, Wisconsin; and

Lots 5 and 6 and Outlot 4 Certified Survey Map No. 10945 recorded on February 3, 2012 in Volume 106 at Page 303-308 as Document No. 3891686, being a division of Lot 4 of Certified Survey Map No. 10943, located in the Southwest ¼ and the Northwest ¼ of the Southwest ¼ of Section 36, Township 7 North, Range 19 East, City of Waukesha, Waukesha County, Wisconsin; and

Lot 4 and Outlot 3 Certified Survey Map No. 10946 recorded on February 3, 2012 in Volume 106 at Page 309-312 as Document No. 3891687, being a division of Lot 4 of Certified Survey Map No. 10944, located in the Southeast ¼ of the Southeast ¼ of Section 35 and the Southwest ¼ of the Southwest ¼ of Section 36, Township 7 North, Range 19 East, City of Waukesha, Waukesha County, Wisconsin.

Tax key numbers have not yet been assigned to the above referenced CSM lots. The Tax key numbers of the underlying land are as follows:

WAKC 1004.122

WAKC 1007.995

WAKC 1007.998

Page 6 of 25

# Exhibit B Location Map

An overview of the stormwater management practices covered by this Agreement is depicted as shown in Figure 1 and Figure 2. The practices include two wet detention ponds and all associated pipes, earthen berms, overflow spillways, rock rip rap and other components of these practices. The noted stormwater management practices are located within Outlots 3 and 4 of the Certified Survey Maps, as noted in Exhibit A.

## **Exhibit C Minimum Stormwater Practice Maintenance Requirements**

This exhibit explains the basic function of each of the stormwater 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. Failure of a stormwater practice that is caused by lack of maintenance will subject the responsible party to enforcement of the provisions listed on page 1 of this agreement by the City of Waukesha.

#### I. WET DETENTION BASIN SYSTEM DESCRIPTION

The wet detention ponds are designed to trap 71.71% of sediment in runoff and maintain predevelopment downstream peak flows.

Detention Pond 1 receives runoff from proposed watershed P1, a 22.99 acre watershed. Watershed P1 consists of runoff from the Woodman's Food Market roof, rear truck access drive, parking areas, drive aisles and runoff from proposed lots 1, 2 and 4. Runoff is conveyed via storm sewer and overland flow to Pond 1. Pond outflow is restricted and discharged via storm sewer into the municipal storm sewer network in Manhattan Drive.

Detention Pond 2 receives runoff from proposed watershed P2, a 9.51 acre watershed. Watershed P2 consists of runoff from the Woodman's Automotive Center, parking areas, drive aisles, and runoff from proposed lot 6 and outlot 2. Runoff is conveyed via storm sewer and overland flow to Pond 2. Pond outflow is restricted and discharged via storm sewer into the municipal storm sewer network in East Main Street.

During high rainfall or snow melt events, the water level will temporarily rise and slowly drain down to the elevation of the control structure. General details for the wet detention ponds are illustrated in Figure 3 and Figure 4. Additional design information may be obtained by contacting the City of Waukesha, and shall be used as a reference point during maintenance inspections.

#### **Exhibit C (continued)**

#### II. INSPECTION AND MAINTENANCE

The property owners, Woodman's Food Market, Inc., are responsible for the inspection and maintenance of the stormwater management facilities. The property owners shall follow the provisions set forth in the City of Waukesha Municipal Code Chapter 32.

#### I. Post Storm Event Inspection:

Inspect the following every spring and fall and after every major rainstorm:

- 1. <u>Debris cleanup</u>: The facilities shall be inspected and all debris shall be collected and disposed of appropriately. The goal of this cleanup process is to remove all materials that may contribute to clogging and thus reduce functionality of the wet detention pond outlet structures.
- 2. <u>Erosion repair and sediment removal</u>: Eroded areas shall be promptly repaired using low-impact earth moving techniques commensurate with the scale of the repair task. Any bare soil areas shall be re-vegetated and re-graded if necessary, according to the original design specifications.

#### **II. Bi-Annual Inspection:**

Inspect the following every spring and fall:

- 1. <u>General Inspection:</u> Inspect wet detention ponds for settling, cracking, erosion, leakage, and condition of outlet structure. Make repairs as necessary.
- 2. <u>Inspect Oil/Water Separator Structures:</u> Inspect outlet is functioning as designed. Inspect oil/water separator structures for accumulation of pollutants, remove and dispose of properly if necessary.

#### III. Every Third Year

- 1. Exotic and noxious weed management: Plantings in stormwater facilities shall be
  - a. surveyed for exotic and noxious weed growths. This survey must be conducted by a qualified individual, knowledgeable in horticulture and the recognition of wetlands vegetation. If noxious or exotic weed growths are present, they shall be eliminated using appropriate methods, and the area shall be re-vegetated according to the original site specifications, if necessary.
- 2. <u>Check Wet Detention Pond Sediment Level:</u> Sediment level in wet detention ponds shall be checked. Sediment must be removed when the average depth of the permanent pool is less than three and one-half feet.

#### IV. Landscape Maintenance

1. <u>Lawn and Plantings Care</u>: Maintenance of the landscape, including but not limited to the wetlands, stormwater ponds, and site green areas shall follow the specifications indicated in the landscaping plans as prepared by R.A. Smith National, Inc.

#### **Exhibit C (continued)**

#### V. Inspection and Maintenance Documentation

- 1. <u>Documentation Requirements:</u> The titleholder(s) or their designee must document all inspections as specified above. Documentation shall include as a minimum:
  - a. Inspector's name, address and telephone number
  - b. Date of inspection(s)
  - 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 City of Waukesha Engineering Department.

# Exhibit D Design Summaries for Wet Detention Ponds #1 and #2

Project Identifier: Woodman's Food Market Project Size: 34 Acres

Number of Runoff Discharge Points: 2 Watershed (ultimate discharge): Fox River

Watershed Area (including off-site runoff traveling through project area): 34 acres

<u>Pond Design Criteria and Considerations</u>. The following table summarizes the criteria and considerations related to the design of wet detention ponds #1 and #2.

SITE ASSESSMENT DATA	POND 1	POND 2
Contributing drainage area to basin	22.99 ac	9.51 ac
Distance to nearest private well	> 25 ft	> 25 ft
Distance to nearest municipal well	> 400 ft	> 400 ft
Ground slope at site of proposed basin	1.5%	1.0%
Proposed outfall conveyance system	Municipal Storm Sewer	Municipal Storm Sewer
Floodplain, shoreland or wetlands	No	No
SOIL INVESTIGATION DATA	POND 1	POND 2
Number of soil borings completed	2.	2
Average soil texture at pond bottom elevation	Sand with gravel	Sand with trace gravel
Distance from pond bottom to bedrock	> 10 ft	> 10 ft
Distance from pond bottom to seasonal water table	17 ft	None observed
GENERAL BASIN DESIGN DATA	POND 1	POND 2
Permanent pool surface area	30,338	14,796
Design permanent pool water surface elevation	79.00	92.00
Top of berm elevation	87.00	98.00
Length : Width Ratio	1:1	2:1
Water depth of permanent pool and sediment storage	5 ft	5 ft

#### Exhibit D (continued)

<u>Pre-Developed Watershed Data Summary</u>. The following table summarizes the pre-developed watershed data for the Woodman's Food Market development.

Watershed	Watershed		Runoff		Tc	Peak [	Discharge (cubi	c ft/sec)
ID	Area (acres)	Land Use	Curve Number	Conveyance	(minutes)	2-yr, 24 hr	10-yr, 24 hr	100-yr, 24 hr
E1	11.68	Gravel, Lawn	96	Overland Flow	10.4	35.62	54.43	77.33
E2	13.85	Gravel, Lawn	96	Overland Flow	7.1	45.93	70.1	99.53
E3	2.23	Gravel	98	Overland Flow	6.2	8.08	12.09	16.99
E4	0.03	Gravel, Lawn	86	Overland Flow	6.0	0.07	0.12	0.19
E5	0.05	Lawn	61	Overland Flow	6.0	0.01	0.06	0.14
E6	6.78	Gravel, Lawn	93	Overland Flow	9.4	20.46	32.54	47.23
E TOTAL	34.62					50.25	121.61	190.37

#### **Exhibit D (continued)**

<u>Post-Developed Watershed Data Summary</u>. The following table summarizes the post-developed watershed data for the Woodman's Food Market development, before and after detention.

Watershed ID	Watershed Area (acres)	Land Use	Runoff Curve Number	Conveyance	Tc (minutes)
P1	22.99	Commercial, Retail	95	Overland Flow, Storm Sewer	16.0
P2	9.51	Commercial, Retail	92	Overland Flow, Storm Sewer	12.0
Р3	1.49	Commercial, Retail	81	Overland Flow	6.0
P4	0.12	Commercial, Retail	80	Overland Flow	6.0
P TOTAL	34.11	<b></b>		<b>-</b> ·-	<b></b>

Watershed	Peak Disc	Peak Discharge Before Detention(cfs) Peak Di			ge After Deten	tion (cfs)
ID	2-yr, 24 hr	10-yr, 24 hr	100-yr, 24 hr	2-yr, 24 hr	10-yr, 24 hr	100-yr, 24 hr
P1	59.69	92.46	132.29	6.88	8.94	10.80
P2	25.33	41.01	60.11	5.00	6.72	8.37
Р3	2.75	5.31	8.70	2.75	5.31	8.70
P4	0.21	0.41	0.68	0.21	0.41	0.68
P TOTAL	85.97	135.67	196.54	12.16	16.68	23.28

#### **Exhibit D (continued)**

<u>Post-Developed Pond Routing Summary</u>. The following table summarizes the post-developed pond routing data for the Woodman's Food Market development.

Pond ID	Design Storm Event	Peak Inflow (cfs)	Peak Discharge (cfs)	Max Water Surface Elevation (ft)	Storage Volume (cubic-ft)
	2-Year, 24-hour	59.69	6.88	81.75	94,131
Pond 1	10-Year, 24-hour	92.46	8.94	83.15	150,389
	100-Year, 24-hour	132.29	10.80	84.72	221,031
	2-Year, 24-hour	25.33	5.00	93.82	31,078
Pond 2	10-Year, 24-hour	41.01	6.72	94.83	51,750
	100-Year, 24-hour	60.11	8.37	95.95	77,761

# Exhibit D (continued) Post Developed Conditions Drainage Map

<u>Drainage Map</u>. Refer to Figure 6, which illustrates post developed drainage conditions for the Woodman's Waukesha Food Market development.

# $Exhibit \ E \\ As-Built \ Survey \ for \ Wet \ Detention \ Ponds \ \#1 \ and \ \#2$

<u>As-Built Survey</u>. Refer to Figure 7 and Figure 8, which illustrate plan view and cross section as-built information, outlet control structure as-built information, and a design & as-built volume summary for Wet Detention Ponds #1 and #2.

#### Page 16 of 25

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

DATE:	April 4, 2014
TO:	City of Waukesha
FROM:	Auron J. Schneider, P.E. R.A. Smith National, Inc.
RE:	Engineering/Construction Verification for the following project:  Project Name: Woodman's Food Market  Section 35 and 36, City of Wankesha  Storm Water Management & Fresion Control Permit #
	Storm Water Management & Erosion Control Permit #  Storm Water Management Practices: Wet detention pond # 1 located in  Outlot #3. Wet detention pond #2 located in Outlot #4.

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 "asbuilt" 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.

100/s/100/s/100/s/2014

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# **Exhibit G Storm Water Management and Erosion Control Permit Termination**

Project Identifier: Woodman's Food Market

Location: Southeast Quarter (SE 1/4) of Section 35, Township 7N, Range 19E (City of Waukesha) and

Southwest Quarter (SW 1/4) of Section 36, Township 7N, Range 19E (City of Waukesha)

Storm Water Management and Erosion Control Permit Holder's Name: James R. Arneson

Storm Water Management & Erosion Control Permit #: 12-007

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 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 25 day of July , 2014.

City of Waukesha representative:

(Signature)

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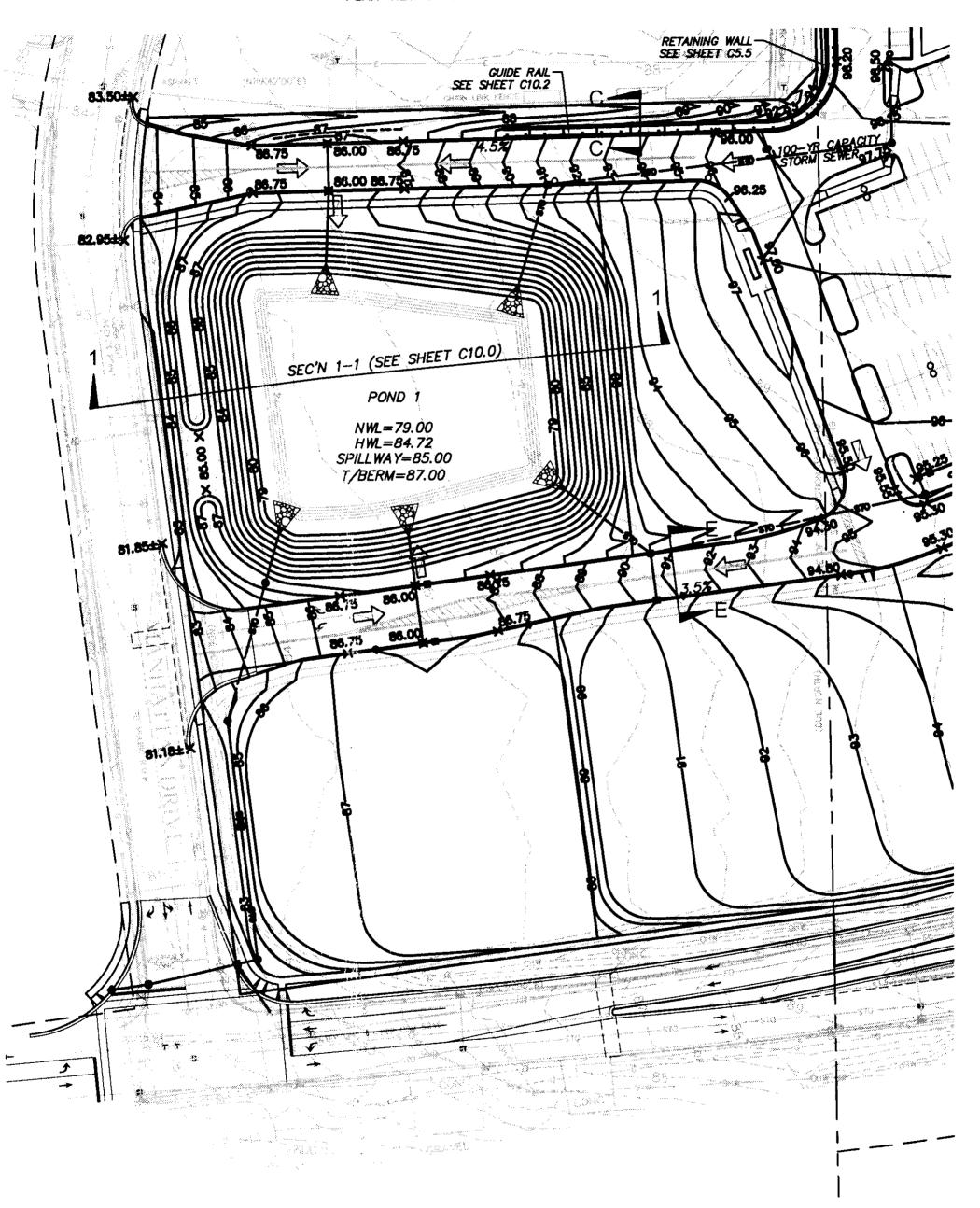
#### Acknowledgements

State of Wisconsin County of Waukesha

> Notary Public, Waukesha County, WI My commission expires: Feb 8,205

### POOR ORIGINAL

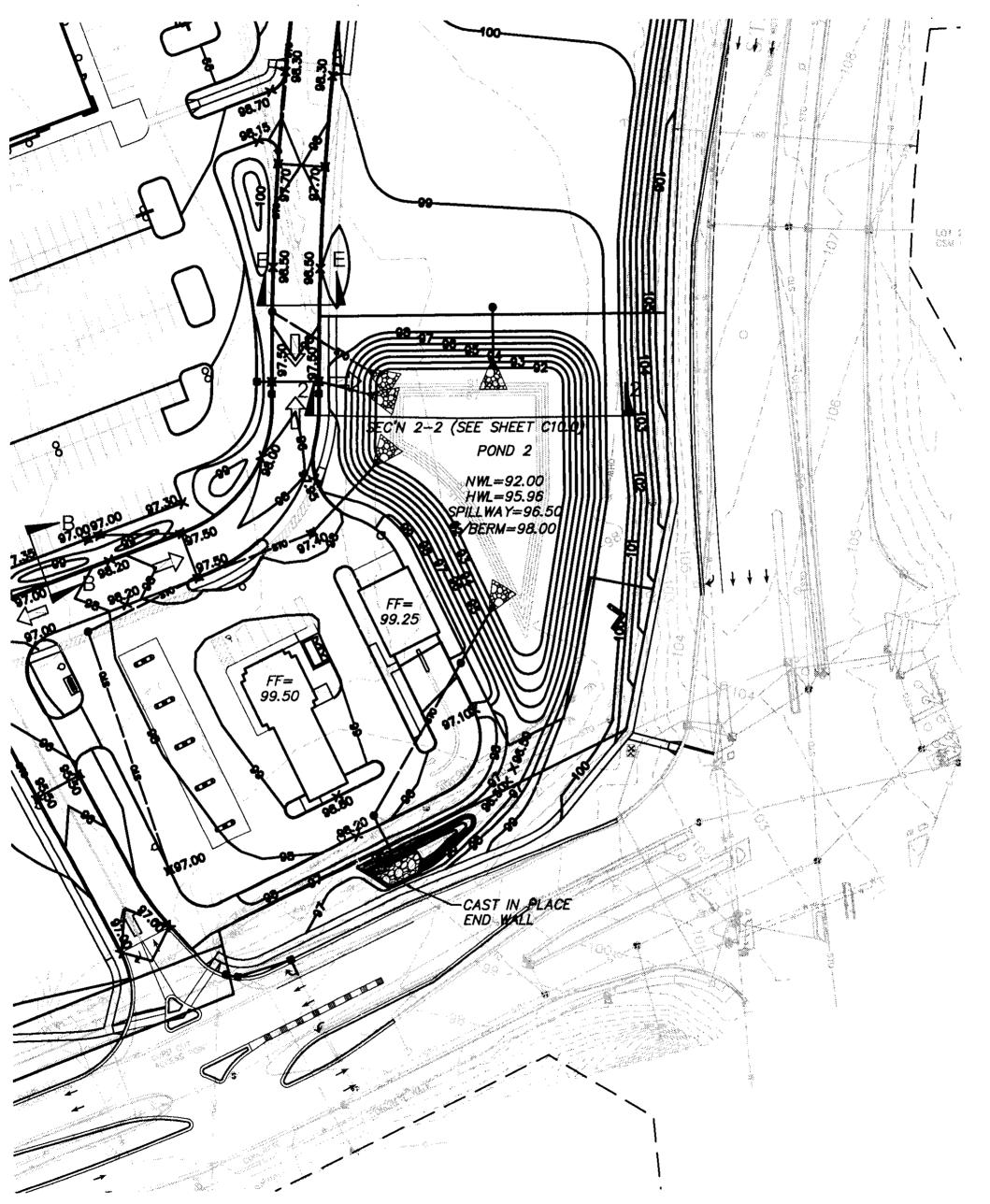
FIGURE 1
PLAN VIEW OF STORMWATER PRACTICES



WET DETENTION POND 1, OUTLOT 3
NOT TO SCALE

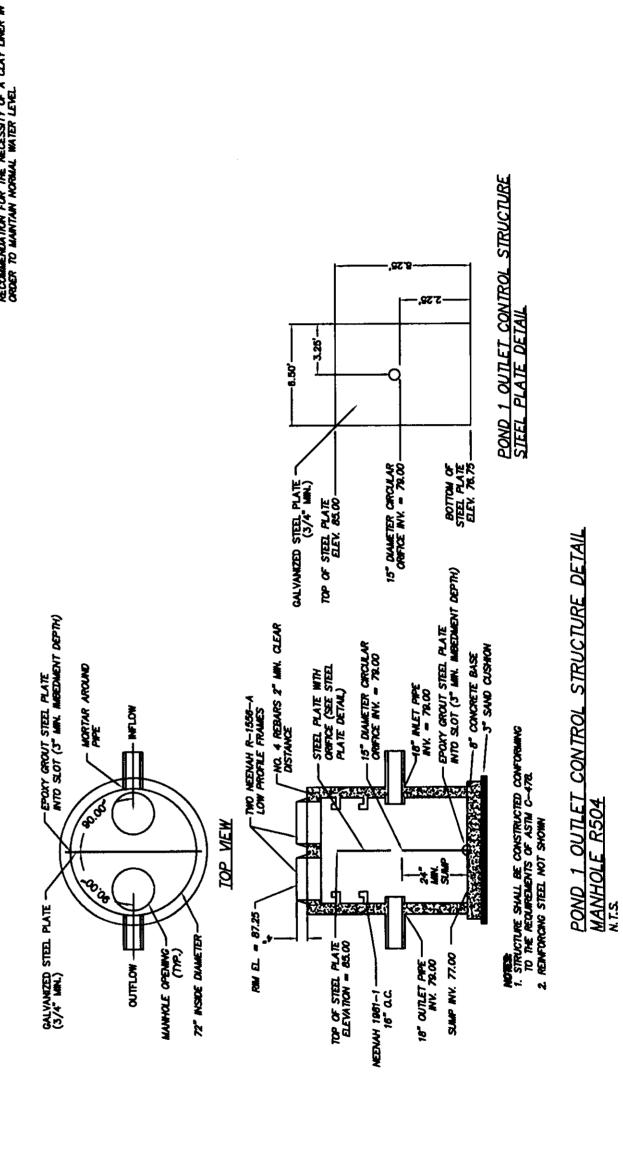
#### **POOR ORIGINAL**

FIGURE 2
PLAN VIEW OF STORMWATER PRACTICES



WET DETENTION POND 2, OUTLOT 4 NOT TO SCALE

TOPSK ABOK SYETY SHEF - ELMINN JEK POND LINER NOTE CAY UNER Þ 100-YR MOH MATER LEVEL 84.72 POND 1 SECTION 1-1 N.T.S. POND BOTTON BLEV 74.00 MEN 87.00 TOPSOL ABOVE SWETY SHELF - ELEMINON 78.00



POND 1 TYPICAL SECTION AND OUTLET STRUCTURE DETAIL

FIGURE 3

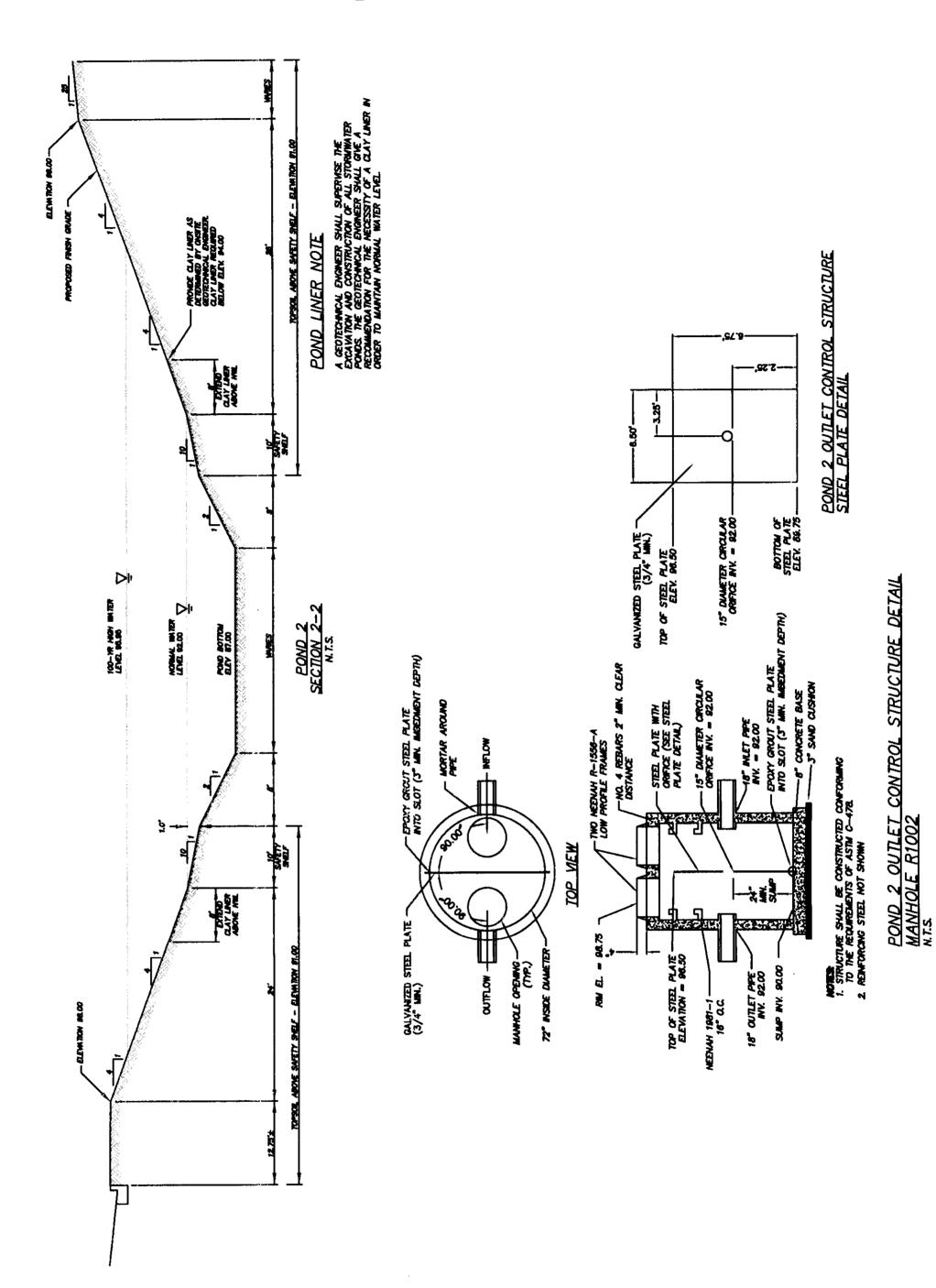
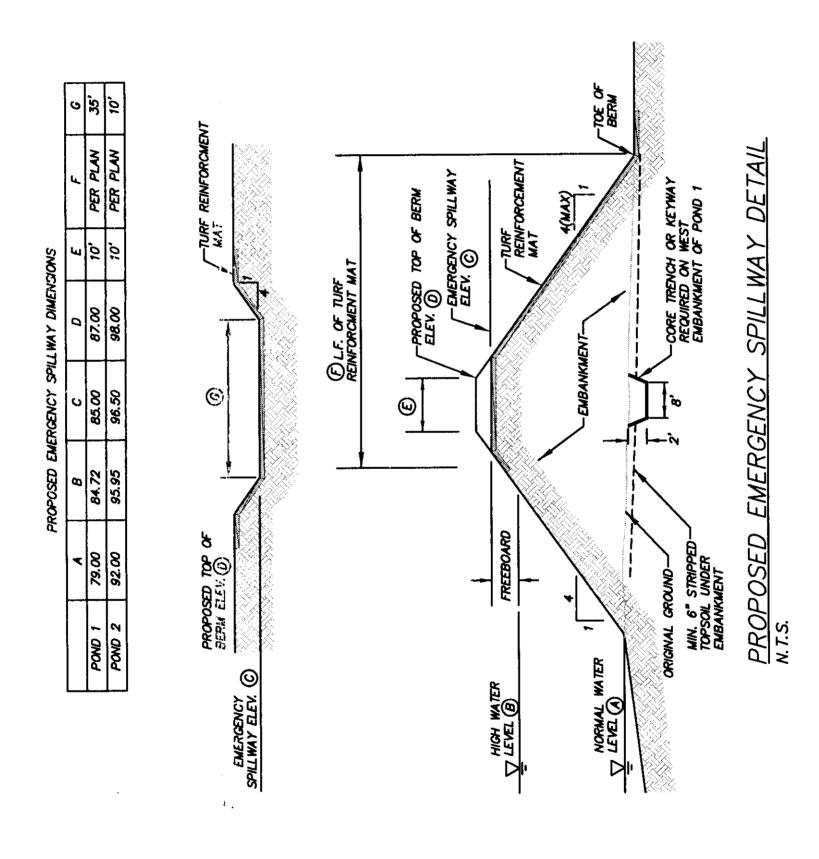


FIGURE 4
POND 2 TYPICAL SECTION AND OUTLET STRUCTURE DETAIL

FIGURE 5 POND 1 & POND 2 PROPOSED SPILLWAY DETAIL



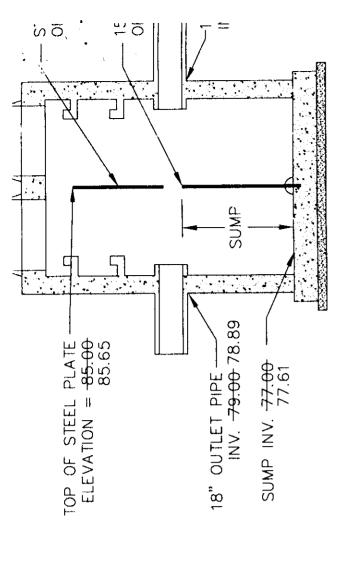
Page 23 of 25 POOR ORIGINAL LEGEND WATERSHED P2
DRAINAGE AREA = 9.51 ACRI
TIME OF CONCENTRATION -WATERSHED P1

DRAINAGE AREA = 22.99 ACRES
TIME OF CONCENTRATION = 16 MINUTES
RUNOFF CURVE NUMBER = 95 MODOMAN'S FOOD WARKET PUBLIC FLOOR ELEV. = 100.00 WATERSHED P3

DRAINAGE AREA = 1.49 ACRES

TIME OF CONCENTRATION = 6.0 MINUTES

RUNOFF CURVE NUMBER = 81 10 Pe IND' DEVELOPABLE AREA
TRABUTARY TO HOND 1
3.08 ACRES



# AS-BUILT (NO SCALE)

POND "1" OUTLET CONTROL STR

	Pond 1 - DESIGN	SIGN	
Elev	Area (sf)	Vol (ac-ft)	Vol Sum (ac-ft)
79	30338	0.00	000.0
80	33072	0.728	0.728
81	35907	0.792	1.519
82	38843	0.858	2.377
83	41879	0.926	3.303
8	45015	0.997	4.300
85	48252	1.070	5.371
86	51590	1.146	6.517
86.5	53296	0.602	7.119

Page 24 of 25

# POND "1" DESIGN & AS-BUILT

 $\infty$ 

06

75

STA: 3+03.52 ELEV: 79.03

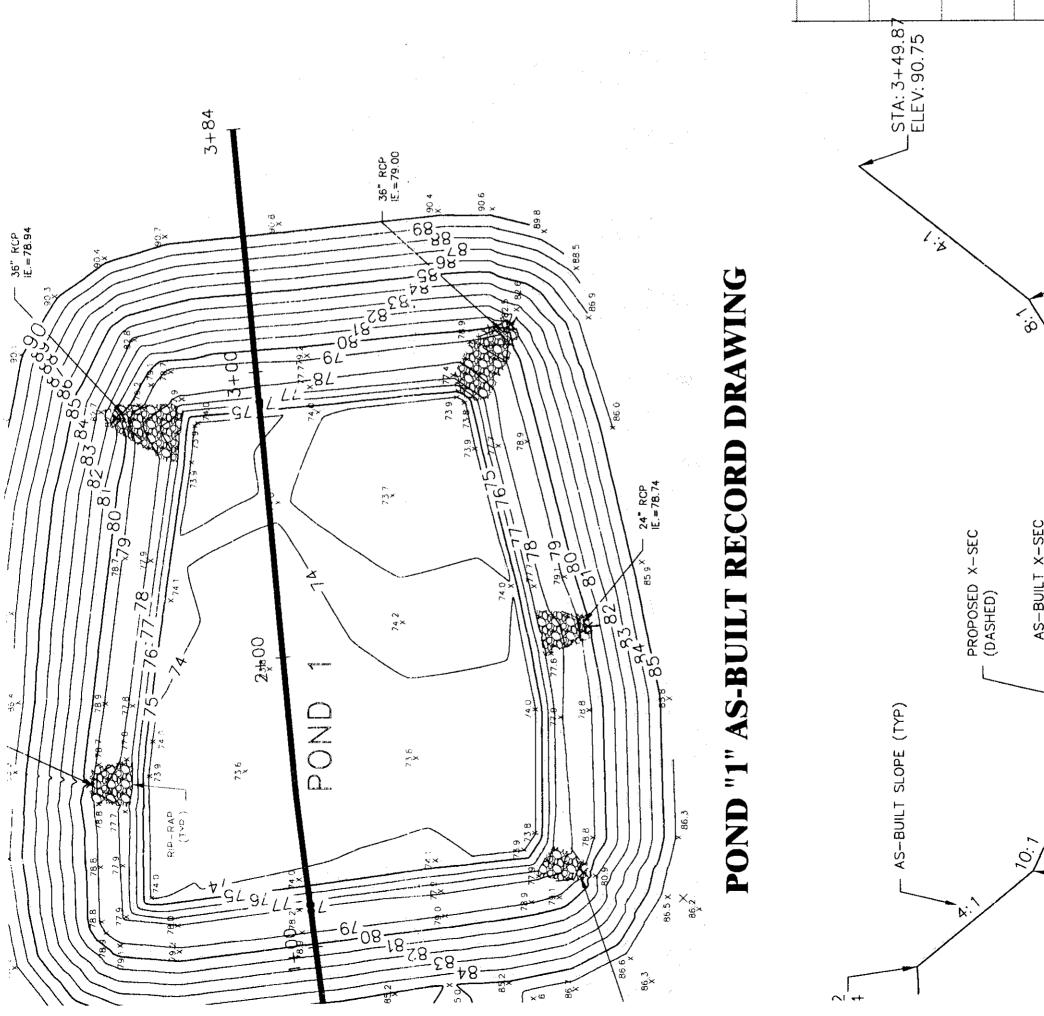
AS-BUILT X-SEC (BOLD)

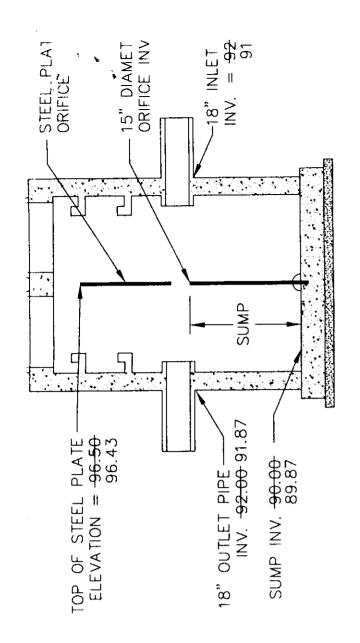
3:1

TA: 1+05.58\_ ELEV: 78.91 STA: 1+13.31 ELEV: 78.17

STA: 2+93.09 ELEV: 77.75

 $\infty$ 





# AS-BUILT (NO SCAI POND "2" OUTLET CONTROL

Page 25	of	2								
	Pond 2 - 4	Area (sf)	147.	1490	173.	1976	224(	252	281	3114
		Elev	91.87	92	93	8	95	96	97	98
			ac-ft)	0.000	0.366	0.788	1.269	1.811	2.416	3.087
			Vol Sum (ac-ft)							
		7	Vol (ac-ft)	0.000	0.366	0.422	0.481	0.542	0.605	0.670
		Pond 2 - DESIGN	of) Vol	14796	7153	19640	22255	4996	27767	30639
		Pond 2	Area (sf)							
			Elev	6	ි 	<u>გ</u>	95	ക് 	.6	ŏ

POND "2" DESIGN & AS-BUIL

