

Storm Water Management Practice Maintenance Agreement

Document Number

ZRH, LLC, a Delaware limited liability company, successor to ZRH, a Wisconsin general partnership a/k/a ZRH LLP, a Wisconsin limited liability partnership., 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
130 Delafield Street
Waukesha, WI 53188

Parcel Identification Number on Exhibit A

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: ZRH, LLC

(Owners Signature)

(Owners Typed Name)

Acknowledgements

State of Wisconsin:
County of La Crosse

Personally came before me this ___ day of _____, 2021, the above named Jeffrey J. Wrobel, VP, CFO & Treasurer of Kwik Trip, Inc., manager of ZRH, LLC, a Delaware limited liability company to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____.

Notary Public, La Crosse County, WI
My commission expires:_____.

This document was drafted by:

Thomas E. Reinhart
P.O. Box 2107
La Crosse, WI 54603



For Certification Stamp

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 **Shawn N. Reilly and Gina Kozlik, Mayor and City Clerk, respectively, of the City of Waukesha**, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

[Name]
Notary Public, Waukesha County, WI
My commission expires:_____.

Exhibit A – Legal Description

LOT 1 OF CERTIFIED SURVEY MAP NO. 10754 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR WAUKESHA COUNTY, WISCONSIN ON JANUARY 26, 2010, IN BOOK 104, PAGE 50-58 AS

DOCUMENT NO. 3722495, BEING A REDIVISION OF LOT 15 OF WESTMORELAND INDUSTRIAL PARK

AND ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 10610, BEING PART OF THE NE 1/4 OF THE SW 1/4 AND THE SE 1/4 OF THE NW 1/4 OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 19 EAST, IN THE CITY OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN.

EXCEPTING THEREFROM THAT PORTION OF LAND CONVEYED IN INSTRUMENT RECORDED IN DOCUMENT NO. 3792958 AND DOCUMENT NO. 3792959.

Tax ID: WAKC1330146001

Exhibit B - Location Map
Storm Water Management Practices Covered by this Agreement

Exhibit C
Storm Water Practice Maintenance Plan

Addendum 1 (Sample)
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 1 of the Highland Preserve Subdivision, described as being all that part of the Southwest Quarter (SW ¼) of Section 4, Township 8N, Range 19E (Town of Lisbon) 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.

Name and Return Address

Dated this ___ day of _____, 201_.

Parcel Identification Number(s) – (PIN)

Owner:

[Owners Signature – per the Maintenance Agreement]

[Owners Typed Name]

Acknowledgements

State of Wisconsin County of Waukesha

Personally came before me this ___ day of _____, 201_, the above named _____ [Owners name] to me known to be the person who executed the foregoing instrument and acknowledged the same.

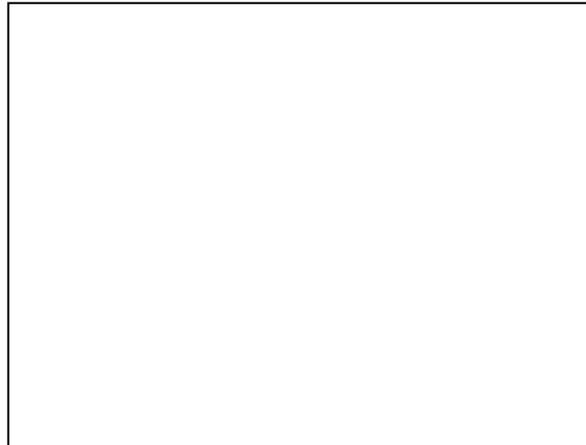
[Name]

Notary Public, Waukesha County, WI

My commission expires: _____.

This document was drafted by:

[Name and address of drafter]



(Sample)

Exhibit D Design Summaries for Wet Detention Basin #1

Project Identifier: Highland Preserve Subdivision **Project Size:** 40 Acres **No. of Lots:** 22
Number of Runoff Discharge Points: 1 **Watershed (ultimate discharge):** Pewaukee Lake
Watershed Area (including off-site runoff traveling through project area): 67 acres (26 acres off-site)

Watershed Data Summary. The following table summarizes the watershed data used to determine peak flows and runoff volumes required to design wet detention basin #1.

Summary Data Elements	Subwatershed A		Subwatershed B (off-site)	
	Pre-develop	Post-develop	Pre-develop	Post-develop
Watershed Areas (in acres) <i>(see attached map)</i>	41 acres	41 acres	26	26
Average Watershed Slopes (%)	2-8%	2-8%	3-6%	3-6%
Land Uses (% of each) <i>(see attached map)</i>	75 ac. cropland 15 ac. brush 10 ac. woodland	110 ac. ½ ac. lots 5ac. brush 5 ac. woodlands	50% cropland 50% 1 acre lots	50% cropland 50% 1 acre lots
Runoff Curve Numbers	68 x 75ac.= 5100 30 x 25ac.= 750 <u>Net 5850\100 ac.</u> RCN = 59	70 x 110 ac.= 7700 10 x 10 ac.= 100 <u>Net 7800\120ac</u> RCN = 65	RCN = 68 (state standard)	RCN = 70
Conveyance Systems Types	Grass waterway	50% grass swale 50% storm sewer	100% bare channel	100% grass swale
Summary of Average Conveyance System Data	8' bottom/4:1 ss 2' depth/3% grade	2' depth swale/3% 30" r/c sewer/2% (see calcs.)	15' (w) top 1' (d) parabolic 2% grade	2' deep standard road ditch 2% grade
Time of Concentration (Tc) <i>(see attached map & worksheets)</i>	1.1 hrs.	.97 hrs.	.74 hrs.	.65 hrs.
25% of 2-yr 24-hr post-dev runoff volume	N/A	2.29 ac. ft.	N/A	.19 ac. ft.
1-year/24 hour Runoff Volume	N/A	(.2" x 60 ac.) 1.0 ac. ft.	N/A	(.34" x 10 ac.) .28 ac. ft.
2-yr./24 hour Peak Flow <i>(see attached hydrographs)</i>	11.2 cfs	14.3 cfs	5.1 cfs	3.2 cfs
10-yr./24 hour Peak Flow	21 cfs	32 cfs	18.4 cfs	11.3 cfs
100-yr./24 hour Peak Flow	78 cfs	91 cfs	53 cfs	21 cfs

Exhibit D (continued)

Practice Design Summary. The following table summarizes the data used to design wet detention basin #1.

Design Element	Design Data
Site assessment data: (see attached maps)	
Contributing drainage area to basin (subwatershed A & B)	70 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%
Any buried or overhead utilities in the area?	No
Proposed outfall conveyance system/discharge (w/ distances)	35 ft. to CTH "U" Road ditch 1000 ft. to wetland
Any downstream roads or other structures? (describe)	Yes – 36" cmp road culvert
Floodplain, shoreland or wetlands?	No
Soil investigation data (see attached map & soil logs):	
Number of soil investigations completed	3 (in basin area)
Do elevations of test holes extend 3 ft. below proposed bottom?	Yes (see map)
Average soil texture at pond bottom elevation (USDA)	Clay loam
Distance from pond bottom to bedrock	> 5 feet
Distance from pond bottom to seasonal water table	Pond bottom 2 ft. below mottling No water observed in test holes
General basin design data (see attached detailed drawings):	
Permanent pool surface area	1.5 acres
Design permanent pool water surface elevation	elev. 900.0
Top of berm elevation (after settling) and width	elev. 905.0 / 10 feet wide
Length/width (dimensions/ratio)	445 ft. (L) x 145 ft. (W) = 3:1
Safety shelf design (length, grade, max. depth)	10 ft. @ 10% slope/1.5' deepest
Ave. water depth (minus safety shelf/sediment)	5 ft. (in center)
Sediment forebay size & depth	.16 acres (13% pool size)/5 feet
Sediment storage depth & design maintenance	2 ft. depth for forebay & pool 15 year maintenance schedule

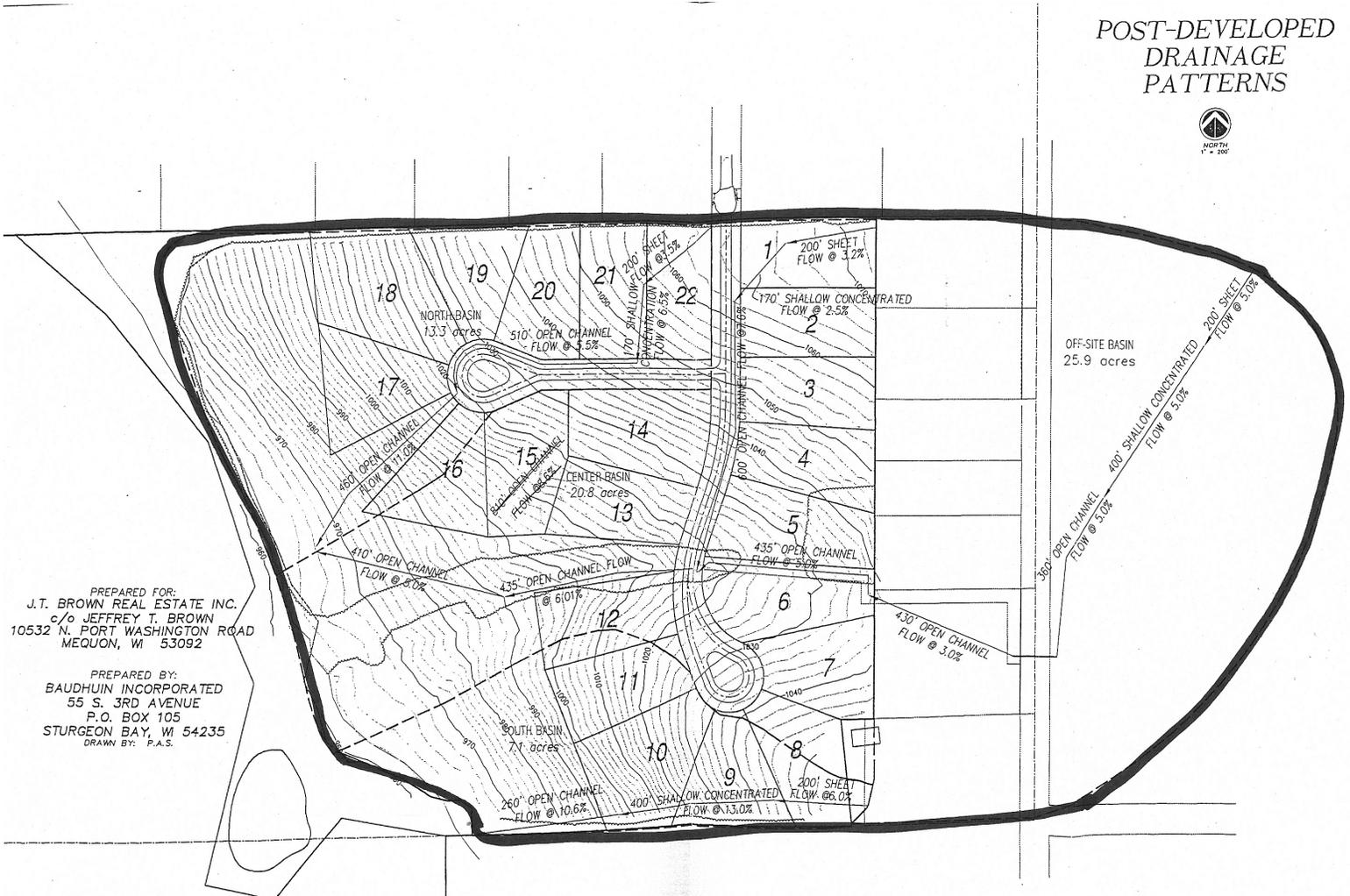
Design Basin Inflow, Outflow & Storage Data (see attached hydrographs and detail drawings)				
Inflow Peak/Volume	Maximum Outflow Rate	Max. Water Elevation	Storage Volume at Max. Elev. (above perm. pool)	Outflow Control Structures*
1-yr./24 hr. (volume)	.7 cfs (34 hr. drawdown)	901.3 ft.	2 acre feet	#1
24.3 cfs (Post 2-yr./24 hr. peak)	11 cfs	902.0 ft.	3.1 acre feet	#1 and #2
72 cfs (Post 10-yr./24 hr. peak)	35 cfs	903.0 ft.	4.5 acre feet	#3
171 cfs (Post 100-yr./24 hr. peak)	143 cfs	904.0 ft.	6.0 acre feet	#3 and #4

- * #1 = 6 inch orifice in water level control weir plate – flow line elev. @ 900.0 (1.3 ft. max. head)
 #2 = 2 foot wide rectangular weir – flow line elev. @ 901.3 (.7 ft. hydraulic head)
 #3 = 30 inch diameter smooth wall pvc pipe – flow line elev. @ 900.0 (3.0 ft. max. hydraulic head)
 #4 = 30 foot wide earthen/grass emergency spillway – flow line elev. @ 903.0 (1.0 ft. max. depth)

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.

[Map scale must be sufficiently large enough to show necessary details, but page size should not exceed 11" x 17".]



(Sample)
Exhibit E
As-built Survey for Wet Detention Basin #1

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

Project Identifier: **Highland Preserve Subdivision**
Storm water Practice: **Wet Detention Basin #1**
Location of Practice: **All of Outlot 1 of Highland Preserve Subdivision:**
Owners of Outlot 1: **Each owner of Lots 1-22 shall have equal (1/22) undividable interest in Outlot 1.**

Exhibit E

Cross-Section A – A'

[Note: Show plan view of BMP with cross-section location clearly labeled and cross-referenced. On cross-section and plan view, clearly label all key components and elevations of the BMP. Also show outlet details. Map scale must be sufficiently large enough to show necessary details, but page size should not exceed 11" x 17".]

Figure 2

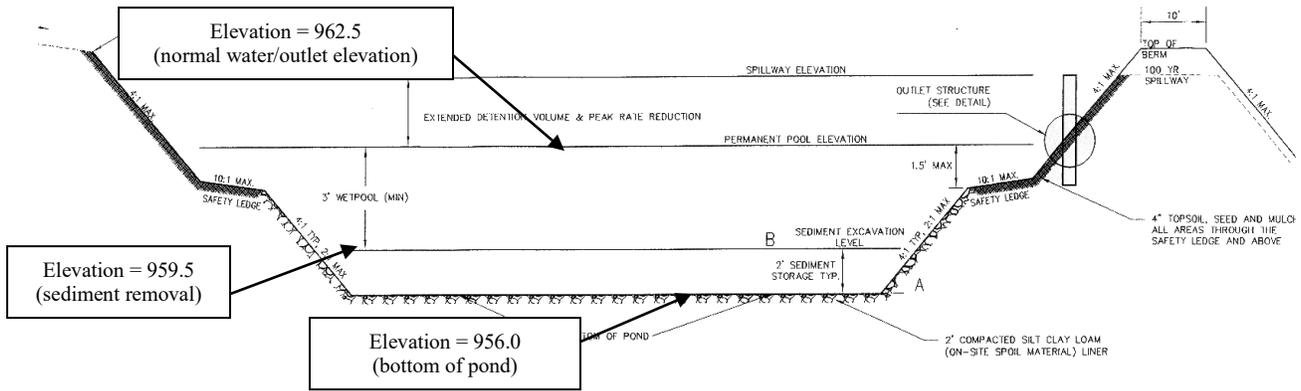


Figure 3

Outlet Structure Detail

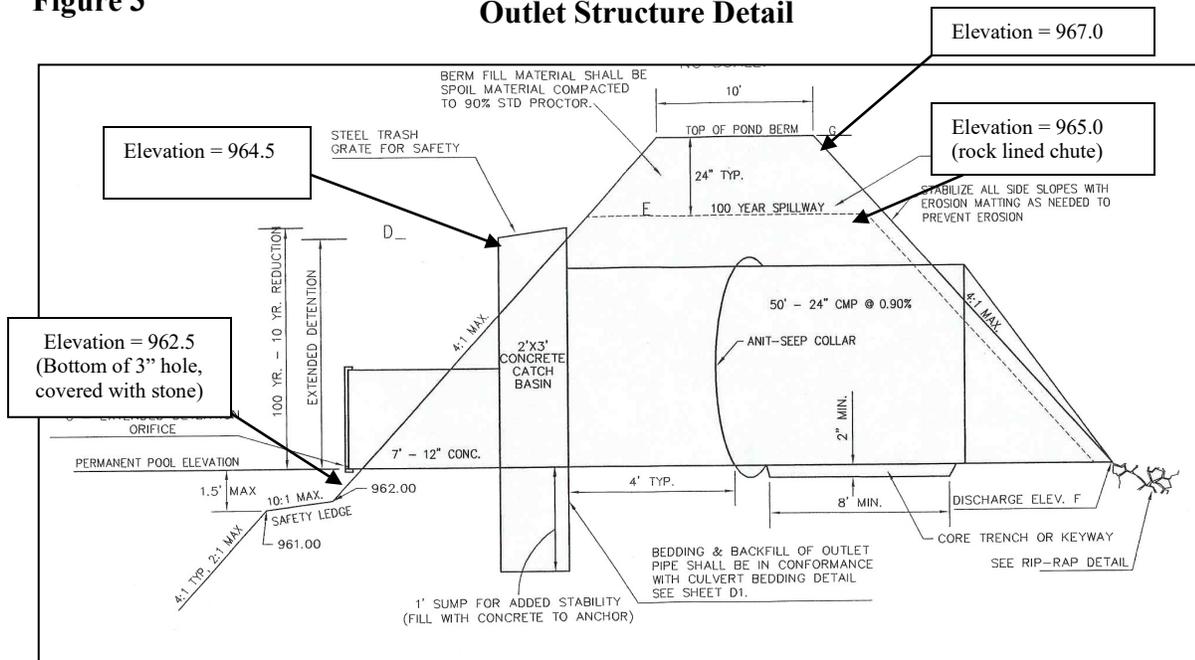


Exhibit “F”
Engineering/Construction Verification

DATE: _____

TO: City of Waukesha

FROM: _____ [Project Engineer’s Name/Company]

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

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.

[Must include one of the following two statements:]

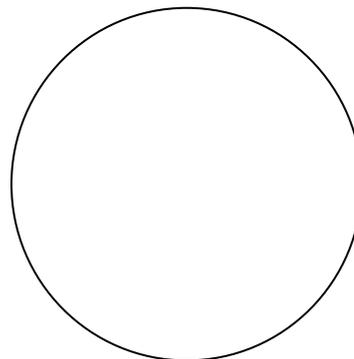
1. Any variations from the originally approved construction plans are noted in Exhibit E. These variations are considered to be within the tolerances of standard construction techniques and do not affect the original design as presented in Exhibit D in any way.

[Note: The City may request additional documentation to support this statement depending on the extent of deviations from the approved plans.]

Or

2. Any design or construction changes from the originally approved construction plans are documented in Exhibits D and E and have been approved by the City of Waukesha.

[Note: If warm season and wetland planting verification is required, it may be included in this exhibit.]



(Signed P.E. stamp must be included)

(Sample)

Exhibit G

Storm Water Management and Erosion Control Permit Termination

Project Identifier: Highland Preserve Subdivision

Location: All that part of the Southwest Quarter (SW ¼) of Section 4, Township 8N, Range 19E (Town of Lisbon)

Storm Water Management and Erosion Control Permit Holder’s Name:

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 _____, 201_.

City of Waukesha representative:

(Signature)

(Typed Name and Title)

Acknowledgements

State of Wisconsin
County of Waukesha

Personally came before me this ___ day of _____, 201_, 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: _____