POST-CONSTRUCTION RUNOFF
PERMIT PCP2021-03

DOCUMENT NO.

DOCUMENT TITLE

4601212

REGISTER OF DEEDS
WAUKESHA COUNTY, WI
RECORDED ON

July 15, 2021 01:29 PM
James R Behrend
Register of Deeds

5 PGS
TOTAL FEE:$30.00
TRANS FEE:$0.00

Book Page -

Recording Data

Return to:

Village of Menomonee Falls
Engineering Services
W156 N8480 Pilgrim Road
Menomonee Falls, WI 53051

VH EVERGREEN FIELDS, LLC
MNFV0118997001

Village of Menomonee Falls
W156 N8480 Pilgrim Road
Menomonee Falls, WI 53051-3140
Telephone: (262) 532-4200

POST-CONSTRUCTION RUNOFF PERMIT NO. PCP2021-03

Village of Menomonee Falls

Property Owner: VH Evergreen Fields LLC Stormwater Application No.: SWA2021-03

Tax Key: MNFV0118997001

Parcel: Lot 1 of Certified Survey Map No. 12178, recorded in the Register of Deeds office for Waukesha County on May 17, 2021, in Book 124, Page 297, as Document No. 4584652, being part of Parcel 2 of Certified Survey Map No. 8541 and part of the Northwest 1/4 of the Northwest 1/4, located in the Northwest 1/4, Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 32, Township 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin.

The Village of Menomonee Falls reviewed Stormwater Permit Application SWA2021-03 for compliance with Village of Menomonee Fall requirements.

Under Village of Menomonee Falls Ordinance Chapter 38, Article V, the Village of Menomonee Falls hereby grants approval for a POST CONSTRUCTION RUNOFF PERMIT with the requirements set forth in Section I, Section II, and Section III under terms and conditions of this permit.

This permit does not relieve the property owner from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, judgment or decree.

This Permit shall be recorded with the Register of Deeds, Waukesha County, Wisconsin, and shall constitute a covenant running with the land, and shall be binding on the Property Owner, their successors or assigns.

TERMS AND CONDITIONS:

Section I: General Requirements

1. The Property Owner shall develop the Property pursuant to a Site Plan approved by the Village, which is included in the Stormwater Management Plan dated March 23, 2021.

2. The Property Owner shall construct all detention basins, retention basins, outlet structures, inlet structures, storm sewer, underground storage facilities, swales, berms or any structure and grading associated with stormwater management (the

"Stormwater Management Facilities") pursuant to a Site Plan approved by the Village.

3. Upon completion of the project, the Property Owner has thirty (30) days to submit an inspection report to the Village as proof of compliance on the Village approved Inspection Report form. Along with the inspection report, the Property Owner shall supply the Village with complete set of construction as-built drawings in ink on standard size mylar, and in AutoCAD format (*.DWG) on CD. The as-built plan and inspection report will be used by the Village to determine if the Stormwater Management Facilities are constructed according to the Village approved plans. The Stormwater Management Facilities will be accepted only after the Village approves the as-built plans and inspection report.

4 The Property owner shall not construct, place or allow or suffer the construction or placement of structures within the Stormwater Management Facilities that affect the operation of the facilities; or that alter the elevations and slopes from those designed, established and constructed; without the specific written approval of the Village.

5. The Property Owner shall submit a landscape proposal and diagram with vegetation types to the Village prior to planting trees or shrubs in the Stormwater Management Facilities. The Village shall have the right to determine which species of trees and shrubs are appropriate for planting within the Stormwater Management Facilities. The Property Owner shall not plant shrubs or trees in the Stormwater Management Facilities unless approved by the Village.

6. The Property Owner hereby grants permission to the Village, its authorized agents and employees, to enter upon the Property and to inspect the Stormwater Management Facilities whenever the Village deems necessary.

7. This Permit imposes no liability of any kind whatsoever on the Village. The Property Owner agrees to hold harmless the Village, its board members, employees, agents, and officers from any costs, damages, loss, claim, suit, liability or award which may arise, come, be brought or incurred or assessed because of the existence of, any action or failure to act with respect to the storm water facilities on the Property or because of any adverse effect upon any person or property related or alleged to be related to the storm water detention basins from any liability if the Stormwater Management Facilities fail to operate properly. The Village shall have the right to defend any such claim and the Property Owner shall reimburse the Village for any and all cost and/or expenses, including but not limited to attorney's fees, which the Village may incur as a result of such claims.

Section II: Maintenance

1. The Property Owner shall adequately maintain the Stormwater Management Facilities. Adequate maintenance is defined as good working condition so that these facilities are performing their design functions. The Property Owner must inspect the Stormwater Management Facilities within 3 days after any rainfall event of 5.8 inches or greater during a 24-hour duration.

2. The Property Owner shall hire a licensed professional engineer to inspect the Stormwater Management Facilities every (5) five years and submit an

inspection report to the Village as proof of compliance. The Village approved Inspection Report form shall be used to determine the condition of the facilities. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection shall cover the entire facility such as berms, outlet structure, pond areas, access roads, etc. The conditions shall be noted in the inspection report.

3. The Property Owner will perform or otherwise be responsible for the maintenance of the Stormwater Management Facilities as described in the approved Stormwater Management Plan submitted with application SWA2021-03 on file at Village Hall. This includes any work necessary to keep the Stormwater Management Facilities in good working order and making all the necessary repairs and/or improvements to correct damages, both natural and man made; and to resolve any citizen complaints. If deficiencies or damages are noted in the inspection report provided to the Village under ¶2 or if complaints are reported to the Village, the Property Owner has thirty (30) days from the date of the report or complaint to take appropriate measures to correct any deficiencies or damages and respond to citizen complaints.

Section III: Enforcement

1. Failure to comply the terms and conditions set forth in the permit shall constitute a violation of Chapter 38, Article V of the Village Code and will result in enforcement under Chapter 38, Sec. 38-213 ENFORCEMENT AND PENALTIES.

By signing below, I accept the TERMS AND CONDITIONS set forth in this permit.

By VH Evergreen Fields LLC

By: _____
authorized officer

Date: 5-28-21

State of Wisconsin)
) ss.
County of Dane)

Personally, came before me this 28th day of May, 2021, the above-named Chris Ehlers, to me known to be the person(s) who executed the foregoing instrument in their respective official capacity and acknowledged that they executed the foregoing instrument.

Notary Public Sarah Proctor

Dane County, Wisconsin

My Commission Expires on 11-13-2024

NOTARY PUBLIC
SARAH PROCTOR
STATE OF WISCONSIN

NOTARY SEAL

Village of Menomonee Falls

By _____
Date: July 6, 2021
Director of Engineering Services

VILLAGE OF MENOMONEE FALLS
OFFICIAL
★★★
SEAL
WAUKESHA CO., WI
VILLAGE SEAL

This instrument was drafted by:
Thomas M. Hoffman, P.E.
Director of Engineering Services
Village of Menomonee Falls