

DECLARATION OF COVENANT FOR  
STORM WATER MANAGEMENT  
FACILITY MAINTENANCE

Document Number

THIS DECLARATION OF COVENANT FOR STORM WATER MANAGEMENT FACILITY MAINTENANCE and related covenants is declared and made this \_\_\_\_\_ day of \_\_\_\_\_, 200\_ by \_\_\_\_\_ (“Developer”).

WHEREAS, \_\_\_\_\_ as Developer owns the real property described below on Exhibit A attached hereto and incorporated herein by reference (the “Property”); and

WHEREAS, Developer has [subdivided or developed] the Property; and

WHEREAS, pursuant to subdivision and/or other applicable approvals, including permit approvals granted by the Village of Germantown, and in accordance with and obedience to conditions of such approvals and the applicable code provisions and Village policies governing storm water management facilities, and in order to insure that the storm water facilities constructed on and serving the Property continue to function according to the design and performance standards which they were constructed to meet, in perpetuity, Developer, for the benefit of itself, its successors in interest and the Property in perpetuity, hereby declares the following covenants, conditions and restrictions relating to the installation and maintenance of the storm water facilities on the subject Property.

Name and Return Address

WHEREAS, This Agreement includes the following exhibits:

**Exhibit A:** Legal Description of the real estate which this Agreement applies (“Property”).

Parcel Identification Number(s) – (PIN)

**Exhibit B:** Location Map(s) – shows an accurate location of each storm water management facility affected by this Agreement.

**Exhibit C:** Minimum Maintenance Requirements – prescribes those activities that must be carried out to maintain compliance with this Agreement.

Through this Declaration Developer hereby subjects the Property to the following covenants, conditions and restrictions:

1. Developer and its assigns and successors in interest (“Responsible Party”) shall be responsible for the routine and extraordinary maintenance of the storm water management facilities identified in Exhibit B, and shall maintain the storm water management facilities and drainage easements in accordance with Exhibit C.
2. The Village of Germantown, or its designee, is authorized to access the Property as necessary to conduct inspections of the storm water management facilities and drainage easements to ascertain compliance with this Agreement and the minimum storm water management practice maintenance requirements prescribed in Exhibit C.
3. Upon notification to the Responsible Party by the Village of Germantown of maintenance deficiencies which require correction, the specified corrective actions shall be performed by the Responsible Party within a reasonable time frame, as shall be prescribed by the Village Engineer, which shall be no less than thirty (30) calendar days.

4. The Village of Germantown is authorized to perform the corrective actions identified in its inspection report or its notice if the Responsible Party does not make the required corrections within the time period prescribed by the Village Engineer for corrective action. The costs and expenses of such corrective actions shall, in accordance with Section 66.0627 of the Wisconsin Statutes, shall be invoiced to the Responsible Party and if not paid within the time determined by the Village Board, shall be entered on the tax roll as a special charge against the Property, and collected with any other taxes levied thereon for the year in which the work is completed.
5. This Declaration shall run with the Property and be binding upon the Developer and its successors and assigns. This Declaration may not be amended or abrogated in part or whole, without the express written consent of the Village of Germantown.

Dated this \_\_\_\_ day of \_\_\_\_\_, 200\_.

**Owner:**

\_\_\_\_\_  
 (Owners Signature)

(Owners Typed Name)

### Acknowledgements

State of Wisconsin) :ss  
 County of Washington)

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 200\_, the above named \_\_\_\_ [Owners name] \_\_\_\_\_ to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
 [Name]  
 Notary Public, Washington County, WI  
 My commission expires:\_\_\_\_\_.

**This document was drafted by:**

\_\_\_\_\_  
 \_\_\_\_\_

[Name and address of drafter]

# Exhibit A – Legal Description

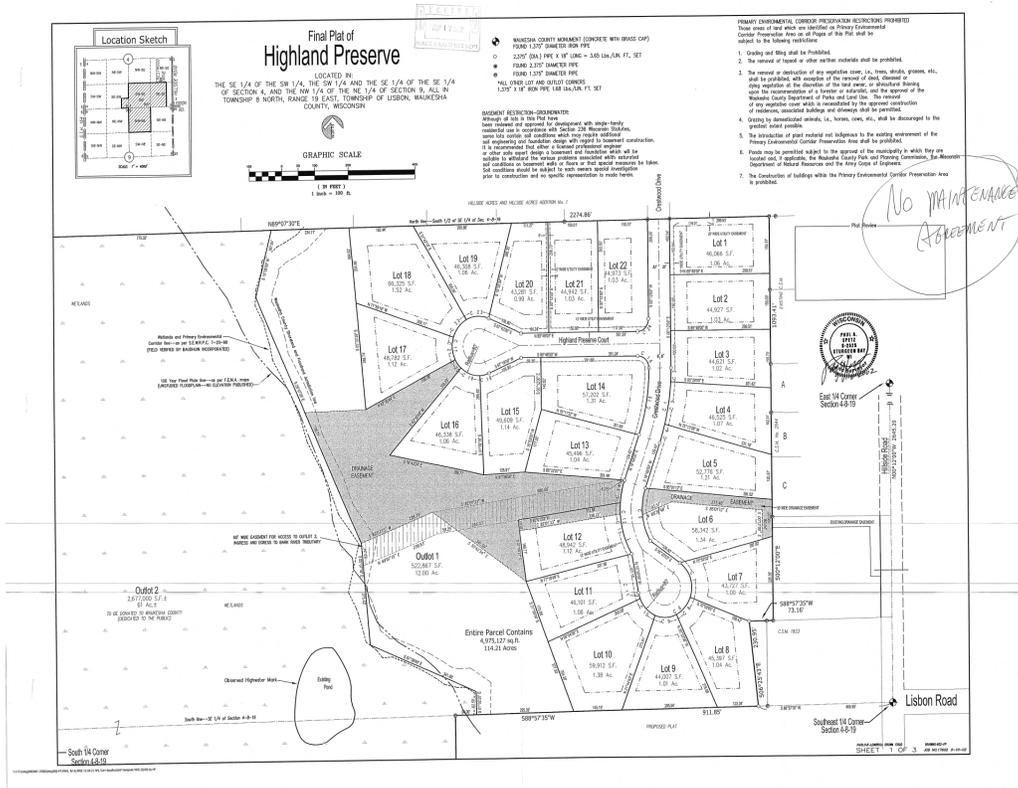
The following description and reduced copy map identifies the land parcel(s) affected by this Declaration. For a larger scale view of the referenced document, contact the Washington County Register of Deeds office.

*[Provide appropriate legal description/metes and bounds here.]*

*[Note: An example map is shown below. This exhibit must be customized for each site, including the minimum elements shown. It must include a reference to a Subdivision Plat, Certified Survey number, or Condominium Plat, and a map to illustrate the affected parcel(s).]*

Project Identifier: **ABC Subdivision**  
 Date of Recording: **October 22, 2002**  
 Map Produced By: **Engineering, Inc., P.O. Box 123, Sturgeon Bay, WI**  
 Legal Description: **All that part of the Southwest Quarter (SW ¼) of Section 32, Township 9N, Range 20E Washington County, Wisconsin. [If no land division is involved, enter legal description as described on the property title here.]**

## ABC Subdivision



**Note:** Shaded area indicates a drainage easement for stormwater collection, conveyance and treatment. See subdivision plat for restrictions in this area.

## Exhibit B - Location Map

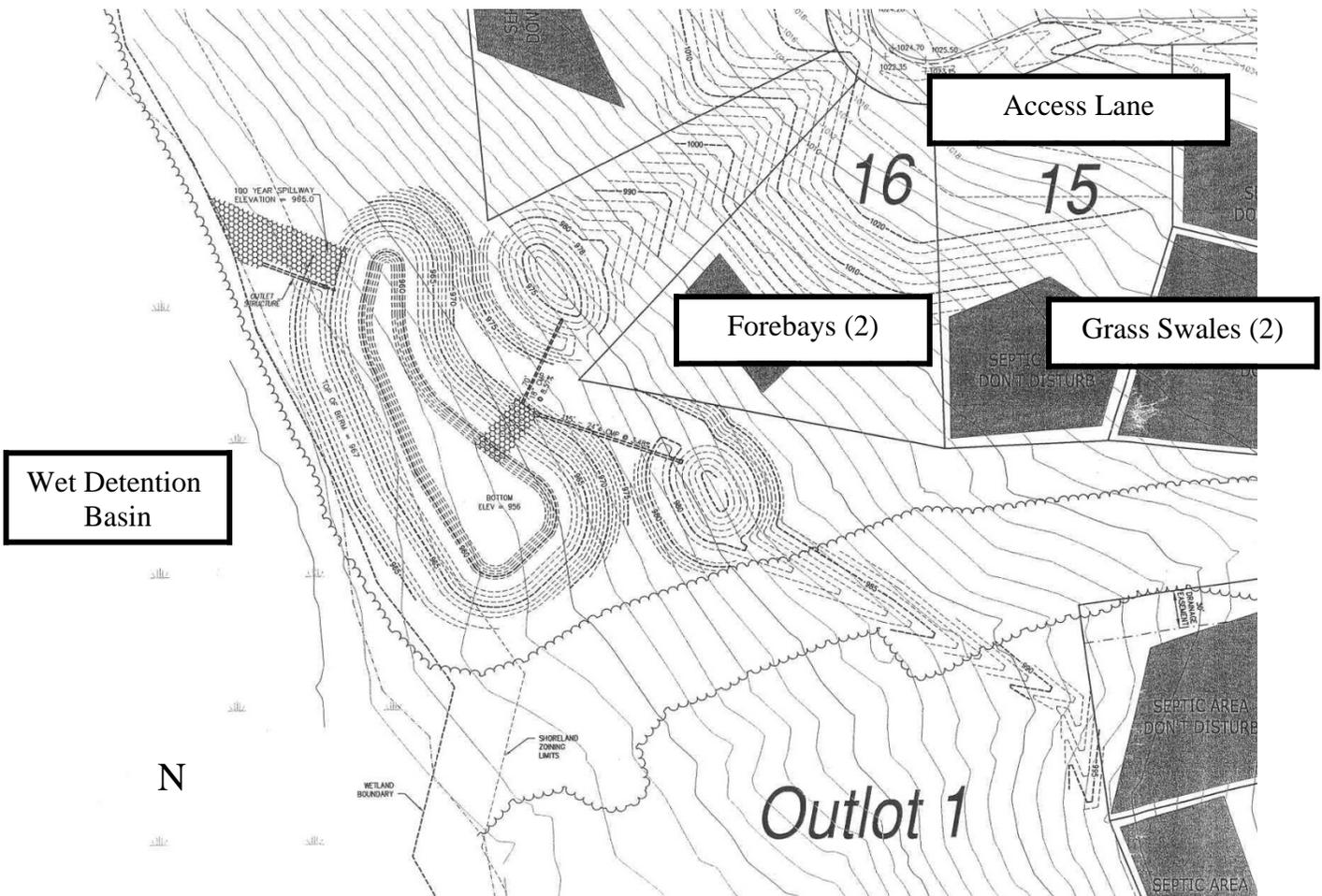
### Storm Water Management Facilities Covered by this Declaration

*[An example location map and the minimum elements that must accompany the map are shown below. This exhibit must be customized for each site.]*

The storm water management practices covered by this Declaration are depicted in the reduced copy of the construction plans, as shown below. The practices include **one wet detention basin, two forebays, two grass swales (conveying storm water to the forebays) and all associated pipes, earthen berms, rock chutes, storm sewer and all associate structures,** and other components of these practices. All of the noted storm water management facilities are located within a drainage easement in Outlot 1 of the subdivision plat, as noted in Exhibit A.

**Subdivision Name:** Preserve  
**Storm water Practices:** Wet Detention Basin, Forebays (2), Grass swales (2)  
**Location of Practices:** All that part of Outlot 1, bounded and described as follows: *[If no land division is involved, enter a metes and bounds description of the easement area.]*  
**Owners of Outlot 1:** Equally-divided among Owners of Lots 1-22

**Figure 1**  
Plan View of Storm Water Management Facilities



## Exhibit C

### Minimum Storm Water Management Facility Maintenance Requirements

This exhibit explains the basic function of each of the storm water management facilities shown on Exhibit B and prescribes the minimum maintenance requirements to remain compliant with conditions of **subdivision or development** approval, storm water management plan acceptance, and Village ordinances and policies, as well as the rules of MMSD, and the Declaration to which this is appended. The maintenance activities listed below are aimed to ensure these facilities 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 facilities for maintenance vehicles is shown in Exhibit B. Any failure of a storm water facility that is caused by a lack of maintenance will subject the Party to enforcement of the provisions in this Declaration, by the Village of Germantown.

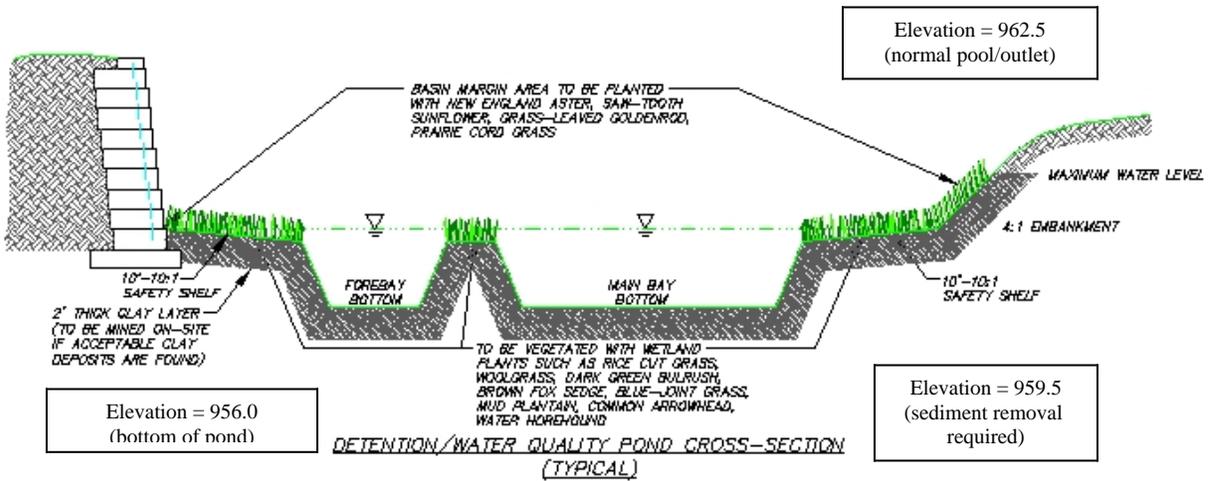
***[Example maintenance language is listed below. This exhibit must be customized for each site. The minimum elements of this exhibit include: a description of the drainage area and the installed storm water management system & best management practices, a list of BMP maintenance requirements, and detailed construction drawings showing all critical components and their planned elevations.]***

#### ***System Description:***

The wet detention basin is designed to trap at least 80% of sediment in runoff and maintain MMSD restricted peak flows. The basin has two forebays (smaller ponds) located at the low end of two grass swales. In addition to runoff conveyance, the grass swales also allow infiltration and filtering of pollutants, especially from smaller storms. The forebays are each 5 feet deep. They are connected to the main pool by 18 and 24-inch metal pipes that outlet onto a rock chute. The forebays will trap coarse sediments in runoff, such as road 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 Declaration (see Figures 1, 2 and 3).

The main basin receives runoff from a 67.1 acre drainage area (41.2 acres within the subdivision and 25.9 acres off-site tributary drainage coming from the east). During high rainfall or snow melt events, the water level will temporarily rise and slowly drain down to the elevation of the control structure. The water level is controlled by a 12-inch concrete pipe extending through the berm in the northwest corner of the basin (see Figures 1 and 3). On the face of the 12-inch pipe, there is metal plate with a 3-inch drilled hole (orifice) with clog-protection in front of it. This orifice controls the water level at elevation 962.5 and causes the pond to temporarily rise during runoff events. A grate structure is placed in front of the orifice to prevent clogging. High flows may enter the grated concrete riser or flow over the high-performance turf reinforcement mat lined emergency overflow spillway.

All elevations indicated in Exhibit C represent planned values and are presented in feet above mean sea level (NAD 1929). These are required to be field verified upon construction. Actual elevations (and more detailed information on the designs) can be obtained by contacting the Village of Germantown, and can be used as a reference point during maintenance inspections.



**Minimum Maintenance Requirements:**

There is hereby incorporated by reference as though fully set forth at length, the latest edition of the Village of Germantown Stormwater Maintenance Manual for Private Facilities and Declarant shall observe all of the performance standards and undertake to perform all required inspection and maintenance activities provided therein, as a material provision of this covenant.

