

AGREEMENT TO MAINTAIN  
STORMWATER FACILITIES  
BY AND BETWEEN  
THE CITY OF WHITEWATER AND

\_\_\_\_\_ (OWNER) AND  
ITS OR THEIR HEIRS, SUCCESSORS, OR ASSIGNS

The upkeep and maintenance of stormwater facilities and the implementation of pollution source control best management practices (BMPs) is essential to the protection of water resources in the City of Whitewater. All property owners are expected to conduct business in a manner that minimizes impacts of stormwater runoff. This Agreement contains specific provisions with respect to maintenance of stormwater facilities. The authority to require maintenance and pollution source control is provided in the City of Whitewater Stormwater Management Zoning Ordinance.

FACILITY LOCATION AND AREA SERVED (Attach Map if Necessary):

SEE ATTACHED PLANS OR EXHIBIT

Whereas, Owner has constructed improvements, including but not limited to, buildings, pavement, and stormwater facilities on the property described above. In order to further goals of the stormwater management goals of the City of Whitewater, the City and Owner hereby enter into this Agreement. The responsibilities of each party to this Agreement are identified below.

OWNER SHALL:

- (1) Implement the stormwater facility maintenance plan included herein as Attachment A.
- (2) Implement the stormwater management plan included herein as Attachment B.
- (3) Allow the Director of Public Works or designee to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
- (4) Undertake corrective actions required by City within a reasonable time frame as set by the Director of Public Works.
- (5) Maintain a record of steps taken to implement the programs referenced in (1) and (2) above. The record shall be available for inspection by City staff at Owners business during normal business hours. The record shall catalog the action taken, who took it, when it was done, how it was done, and any problems encountered or follow-on actions recommended.

THE CITY OF WHITEWATER SHALL:

- (1) Provide Owner advice and recommendations consistent with its obligations as a municipality corporation as time and resources permit.
- (2) Maintain public records of any formal results of the site inspections that indicate the need for corrective action, inform the party responsible for maintenance of the inspection results, and specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
- (3) Notify the Owner of maintenance problems that require correction within a reasonable time of the city discovery of the non-compliance.

REMEDIES:

- (1) If corrective actions required by the City are not completed within the time set by the Director of Public Works, written notice will be sent to the persons who were given notice stating the City intention to perform such maintenance and bill the owner for all incurred expenses.
- (2) If at any time the City determines that the existing system creates any imminent threat to public health or welfare, the Director of Public Works may take immediate measures to remedy said threat. No notice to the persons listed in (1), above, shall be required under such circumstances.
- (3) The owner grants unrestricted authority to the City for access to any and all stormwater system features for the purpose of performing maintenance or repair as may become necessary under Remedies (1) and/or (2).
- (4) The persons listed in (1), above, shall assume all responsibility for the cost of any maintenance and for repairs to the stormwater facility. Such responsibility shall include reimbursement to the City within 30 days of the receipt of the invoice for any such work performed. Overdue payments will require payment of interest at the current legal rate for liquidated judgments. If legal action ensues, any costs or fees incurred by the City will be borne by the parties responsible for said reimbursements.
- (5) The owner hereby grants to the City a lien against the above-described property to be collected as a special charge in an amount equal to the cost incurred by the City to perform the maintenance or repair work described herein.

This Agreement is intended to protect the value and desirability of the real property described above and to benefit all the citizens of the City. It shall run with the land and be binding on all parties having or acquiring from Owner or their successors any right, title, or interest in the property or any part thereof, as well as their title, or interest in the property or any part thereof, as well as their heirs, successors, and assigns. They shall inure to the benefit of each present or future successor in interest of said property or any part thereof, or interest therein a benefit of all citizens of the City.



CITY OF WHITEWATER  
STORMWATER MANAGEMENT PERMIT NO. \_\_\_\_\_

Date of Application \_\_\_\_\_  
Site Address \_\_\_\_\_  
Plat Name \_\_\_\_\_  
Certified Survey Map \_\_\_\_\_  
Lots No. (s) \_\_\_\_\_

**General Conditions:**

- a) All stormwater management measures shall be Installed In accordance with the approved storm water management plan and this permit.
- b) The Director of Public Works shall be notified at least 3 business days before commencing any work In conjunction with the storm water management plan and within 3 business days upon completion of the storm water management practices.
- c) Practice Installations shall be certified "as built" by a licensed professional engineer. Completed storm water management practices must pass a final inspection by the Director of Public Works or his or her designee to determine if they are in accordance with the approved storm water management plan and ordinance.
- d) The Director of Public Works shall be notified of any significant proposed modifications to an approved storm water management plan.
- e) All storm water management practices shall be maintained In accordance with the storm water management plan until the practices either become the responsibility of the City of Whitewater, or are transferred to subsequent private owners as specified In the approved maintenance agreement.
- f) The City of Whitewater is authorized to perform any work or operations necessary to bring storm water management measures Into conformance with the approved storm water management plan, and consent to a special assessment or charge against the property as authorized under Wisconsin Chapter 66 sub ch. VII, or to charging such costs against the financial guarantee posted under 66.0703(10).
- g) If so directed by the Director of Public Works, all damage to adjoining facilities and drainage ways caused by runoff, where such damage is caused by activities that are not In compliance with the approved storm water management plan shall be repaired at the permittee's expense.
- h) Access is permitted to the Director of Public Works or its designee for the purpose of Inspecting the property for compliance with the approved storm water management plan and this permit.

APPLICANT  
MUST FILL  
IN BOXED  
AREA

Owner \_\_\_\_\_  
(Please print or type full name)  
Address \_\_\_\_\_  
\_\_\_\_\_  
Signature or Owner or Authorized Reprehensive

Area of Land Disturbance (Square Feet) \_\_\_\_\_

Special Conditions \_\_\_\_\_  
\_\_\_\_\_

Conditional Approval \_\_\_\_\_  
Administrative Authority Title Date

Permit VALID for a period of twelve (12) months from date of issuance by Director of Public Works and all work must be completed prior to the expiration unless authorized in writing from the Director of Public Works.