

**DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS  
FOR MAINTENANCE OF STORMWATER MANAGEMENT MEASURES**

**RECITALS:**

- A. County of Dane, is the owner of Property located in the City of Madison, more particularly described on Exhibit A attached hereto (“Property”).
- B. Owner desires to construct buildings and/or parking facilities on the Property in accordance with certain plans and specifications approved by the City.
- C. The City requires Owner to record this Declaration regarding maintenance of stormwater management measures to be located on the Property. Owner agrees to maintain the stormwater management measures and to grant to the City the rights set forth below.

NOW, THEREFORE, in consideration of the declarations herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the owner agrees as follows:

This space is reserved for recording data

Return to:  
Tim Troester  
City Engineering Division  
Rm. 115, City-County Building  
Madison, Wisconsin

Tax Parcel No.: 251-0710-254-0095-5

- 1. Jurisdiction. Per the Sustainability Campus and Landfill Development Agreement (Contract #14742), Section 3.2 titled Erosion Control and Stormwater Management, Lot 2 shall be under Dane County jurisdiction for erosion control and stormwater management permits. Lot 1 shall be under City of Madison jurisdiction for erosion control and stormwater management permits.
- 2. Maintenance. Owner and its successors and assigns shall be responsible to repair and maintain the stormwater management measures located on the Property in good condition and in working order and such that the measures comply with the approved plans on file with the City Engineer. Said maintenance shall be at the Owner’s sole cost and expense. Owner will conduct such maintenance or repair work in accordance with all applicable laws, codes, regulations, and similar requirements, and pursuant to the Maintenance Provisions attached hereto as Exhibit B. The location of each stormwater management practice is shown on Exhibit C.
- 3. Easement to City. If Owner fails to maintain the stormwater management measures as required in Section 1, then City shall have the right, after providing Owner with written notice of the maintenance issue (“Maintenance Notice”) and thirty (30) days to comply with the City’s maintenance request, to enter the Property in order to conduct the maintenance specified in the Maintenance Notice. City will conduct such maintenance work in accordance with all applicable laws, codes, regulations, and similar requirements and will not unreasonably interfere with Owner’s use of the Property. All costs and expenses incurred by the City in conducting such maintenance may be charged to the owner of the Property by placing the amount on the tax roll for the Property as a special charge in accordance with Section 66.0627, Wis. Stats. and Section 4.09 of the Madison General Ordinances.
- 4. Term/Termination. The term of this Agreement shall commence on the date that this Agreement is filed of record with the Register of Deeds Office for Dane County, Wisconsin, and except as otherwise herein specifically provided, shall continue in perpetuity. Notwithstanding the foregoing, this Agreement may be terminated by recording with the Register of Deeds Office for Dane County, Wisconsin, a written instrument of termination signed by the City and all of the then-owners of the Property.
- 5. Miscellaneous.
  - (a) Notices. Any notice, request or demand required or permitted under this Agreement shall be in writing and shall be deemed given when personally served or three (3) days after the same has been deposited with the United States Post Office, registered or certified mail, return receipt requested, postage prepaid and addressed as follows:

If to Owner: Dane County Department of Waste + Renewables  
1919 Alliant Energy Center Way  
Madison, WI 53718

If to City: City Engineering Division  
Room 115, City County Building  
210 Martin Luther King Jr. Blvd.  
Madison, WI 53703-3342  
Attention: City Engineer

Any party may change its address for the receipt of notice by written notice to the other.

- (b) Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of Wisconsin.
- (c) Amendments or Further Agreements to be in Writing. This Agreement may not be modified in whole or in part unless such agreement is in writing and signed by all parties bound hereby.
- (d) Covenants Running with the Land. All of the easements, restrictions, covenants and agreements set forth in this Agreement are intended to be and shall be construed as covenants running with the land, binding upon, inuring to the benefit of, and enforceable by the parties hereto and their respective successors and assigns.
- (e) Partial Invalidity. If any provisions, or portions thereof, of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the

application of such provision, or portion thereof, to any other persons or circumstances shall not be affected thereby and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

X \_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Print or type name

**State of WI**, County of Dane; Subscribed and sworn  
before me on \_\_\_\_\_ by the above-named  
person(s).

\_\_\_\_\_  
Notary Public

Print or type name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Drafted by: City Engineering Division  
Rm. 115, City-County Building  
Madison, Wisconsin

MAE:DAO

**EXHIBIT A**  
Legal Description

Lot 1, Dane County Certified Survey Map No. 17078, as recorded in the office of the Dane County Register of Deeds in Volume 130 of Certified Surveys, Pages 214 – 226 as Document No. 6101686, in the City of Madison, Dane County, Wisconsin.

**EXHIBIT B**  
Maintenance Provisions

**COMPONENTS OF THE STORMWATER MANAGEMENT SYSTEM**

The stormwater management system consists of the following permanent practices:

- ◆ Wet Detention Basins
- ◆ Storm sewer system
- ◆ Grass swales
- ◆ Inlet filter(s) for oil and grease control

An initial installation certification (as-built) stamped by a P.E. registered in the state of Wisconsin shall be submitted to the City Engineer upon completion of construction, as required by MGO 37.09(6). The as-built shall be of sufficient detail to show the system was constructed and functioning as designed.

**INSPECTION, MAINTENANCE, AND REPORTING**

***Annual Report:***

- ◆ An annual report and certification shall be submitted via email to City Stormwater Management staff or [Engineer@cityofmadison.com](mailto:Engineer@cityofmadison.com), as required by MGO 37.09(7).
- ◆ Inspections shall be done every calendar year, with reports being submitted by June 1 of the following year.

***Wet Detention Basins:***

- ◆ Wet Detention Basins shall be designed, installed and maintained in accordance with WDNR Conservation Practice Standard #1001 Wet Detention Pond or as permitted and approved by WDNR.
- ◆ Owner shall visually inspect the detention basin, outfalls and outlet structure annually.
- ◆ The pond perimeter area shall be mowed a minimum of twice per year. Mowing shall maintain a minimum grass height of 6 to 8 inches. All undesirable vegetation and volunteer tree growth shall be removed, including close proximity to the outlet structure.
- ◆ No plantings or structures of any kind are permitted within the wet detention basin area, without prior written approval of the City Engineer.
- ◆ A topographic survey of the pond bottom shall be taken once every three (3) years. The survey shall be of sufficient detail so as to ensure maintenance of pond design depth and integrity of the 10 to 1 sloped safety bench along the water's edge. Survey data shall be sealed by a registered land surveyor and submitted to City Engineer for review.
- ◆ Siltation in the basin, as identified by the topographic survey, shall be dredged and disposed offsite in accordance with NR 347. Dredging shall be as required by the City Engineer. Dredging shall be required the accumulated sediment reaches and average depth of 1.5 feet or more or as required by the City Engineer. Excavate to the original design bottom depth of 863.0 feet mean sea level. Care must be taken to protect the basin liner from damage during sediment removal.
- ◆ The Owner shall maintain records of inspections, mowings, and survey data, all in accordance with Chapter 37 of the Madison General Ordinances.

***Storm Sewer System:***

- ◆ Owner shall maintain all components of the storm sewer system located onsite.
- ◆ Installation and maintenance shall be in accordance with the manufacturer's guidelines. Any alterations to the approved storm sewer shall be approved by the City Engineer.
- ◆ At a minimum, the storm sewer system shall be inspected annually and cleaned as needed to maintain design capacity.
- ◆ Owner shall maintain records of inspections, cleaning and replacement of the storm sewer system all in accordance with Chapter 37 of the Madison General Ordinances.

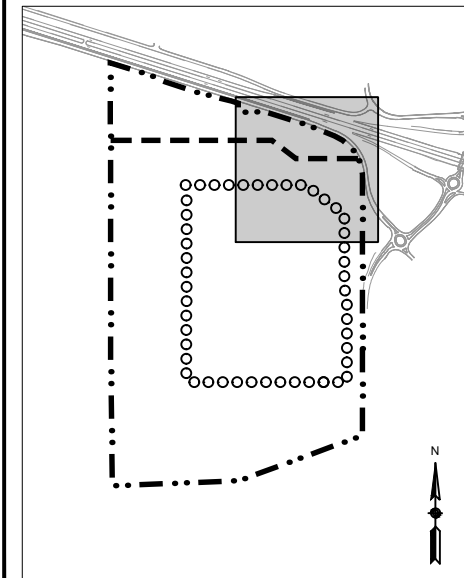
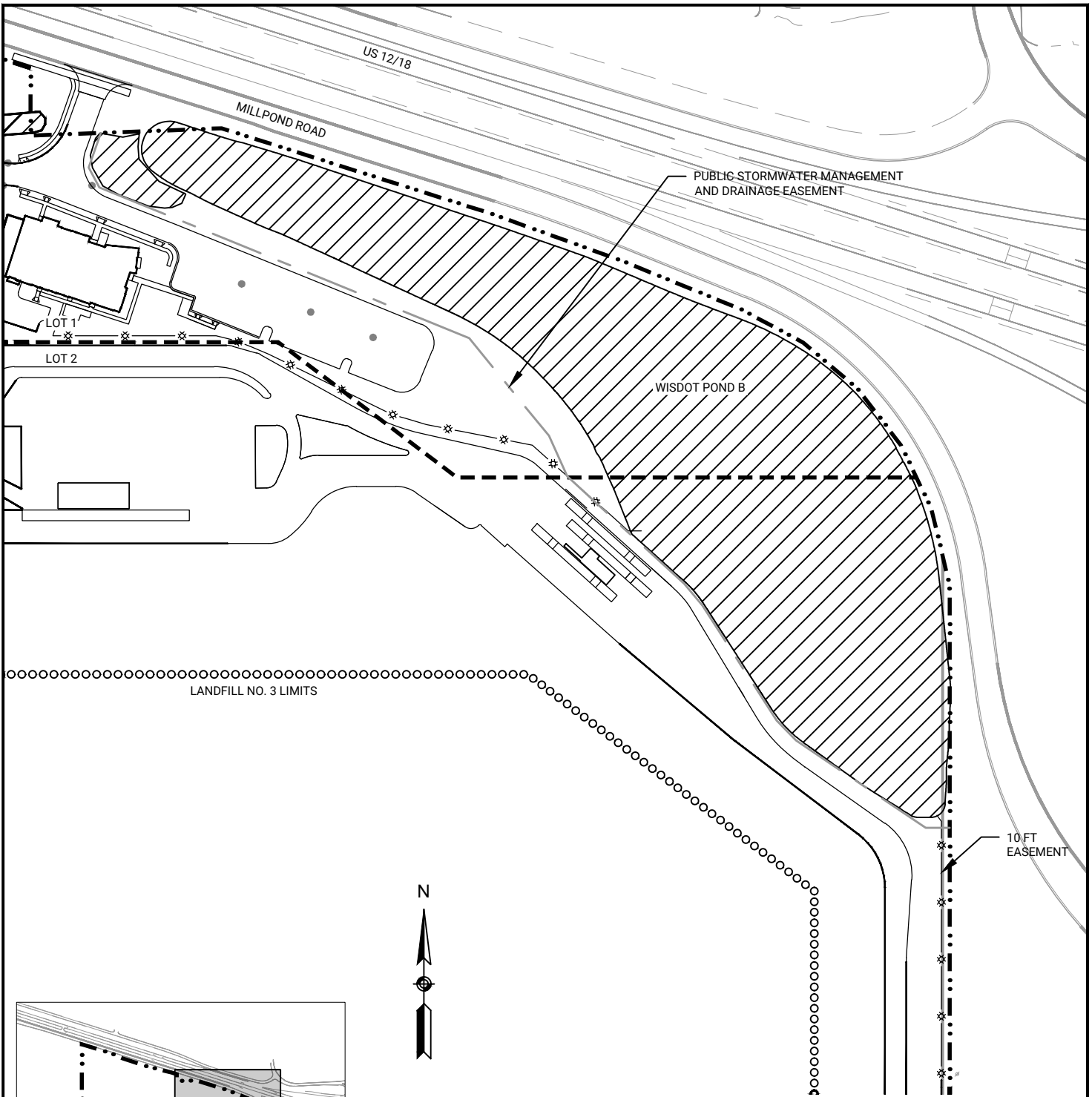
***Grass Swales:***

- ◆ Owner shall visually inspect the grass swales annually.
- ◆ In addition to semi-annual inspection, also inspect swales after rainfall events of 1.5 inches or greater, for two (2) years following installation.
- ◆ Swales shall be mowed a minimum of twice per year. Mowing shall maintain a minimum grass height of 6 to 8 inches to promote infiltration. All undesirable vegetation and volunteer tree growth shall be removed. Bare or eroded patches shall be reseeded. Swales shall be regraded if siltation or erosion is noted during the annual inspection.
- ◆ Discarded yard waste and brush is prohibited within the device. No plantings or structures of any kind are permitted within the grass swales, without prior written approval of the City Engineer.
- ◆ Owner shall maintain records of inspections and mowings in accordance with Chapter 37 of the Madison General Ordinances.

***Inlet Filter(s) for Oil and Grease Control:***

- ◆ The Owner shall install and maintain inlet filters at each parking lot inlet (QTY 3) and road curb inlet (QTY 4). Inlet filters shall be (frame mount) Flexstorm Pure (High Capacity) Catch Basin Insert as distributed by ADS Inc., or equal. Said insert is installed for mitigation and control of sediment and oil and grease (hydrocarbon) capture in the stormwater runoff.
- ◆ Installation and maintenance shall be in accordance with the manufacturer's guidelines, which, at minimum shall be three (3) inspections per year, two (2) cleanings per year and one (1) filter replacement per year. More specifically, debris shall be removed and filter medium is to be replaced any time the filter medium appears to be 50% coated with oil or grease.
- ◆ Owner shall maintain records of inspections, cleaning, filter replacement, hydrocarbon capture media replacement, and photographs of inspections in accordance with Chapter 37 of the Madison General Ordinances.




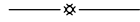


**EXHIBIT C**  
Site Map



VICINITY MAP  
SCALE 1" = 2,000'



**LEGEND**

-  PROPERTY LINE
-  LOT LINE
-  LIMITS OF WASTE
-  FENCE (CHAIN LINK/WOVEN WIRE)
-  STORM WATER FACILITIES
-  STORM INLET

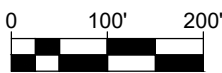
- NOTES:
1. PUBLIC STORMWATER MANAGEMENT AND DRAINAGE EASEMENT AND 10 FOOT WIDE PUBLIC EASEMENT FOR GRADING AND SLOPING RECORDED DETAILED IN CSM 17078 AND RECORDED AS DOCUMENT # 6101686.
  2. LOT LINE PER CSM 17078.

**DANE COUNTY WASTE & RENEWABLES**



**EXHIBIT C1**

STORM WATER FEATURES  
7125 Millpond Rd  
MADISON, WI 53713



SCALE

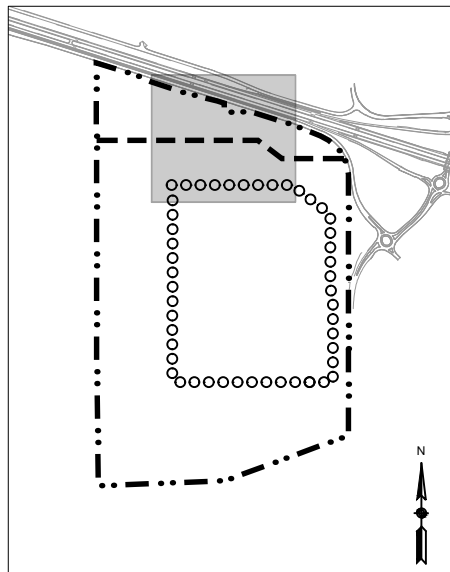
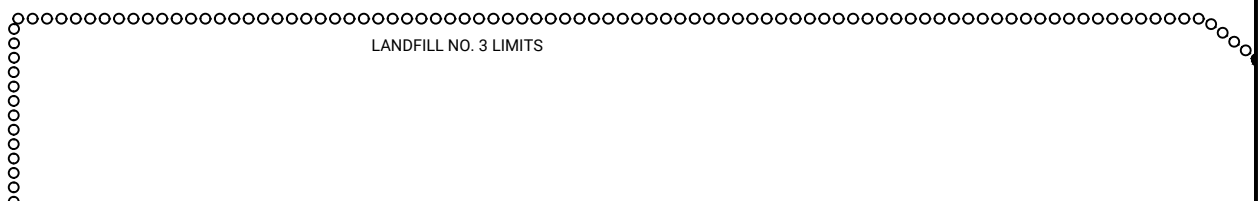
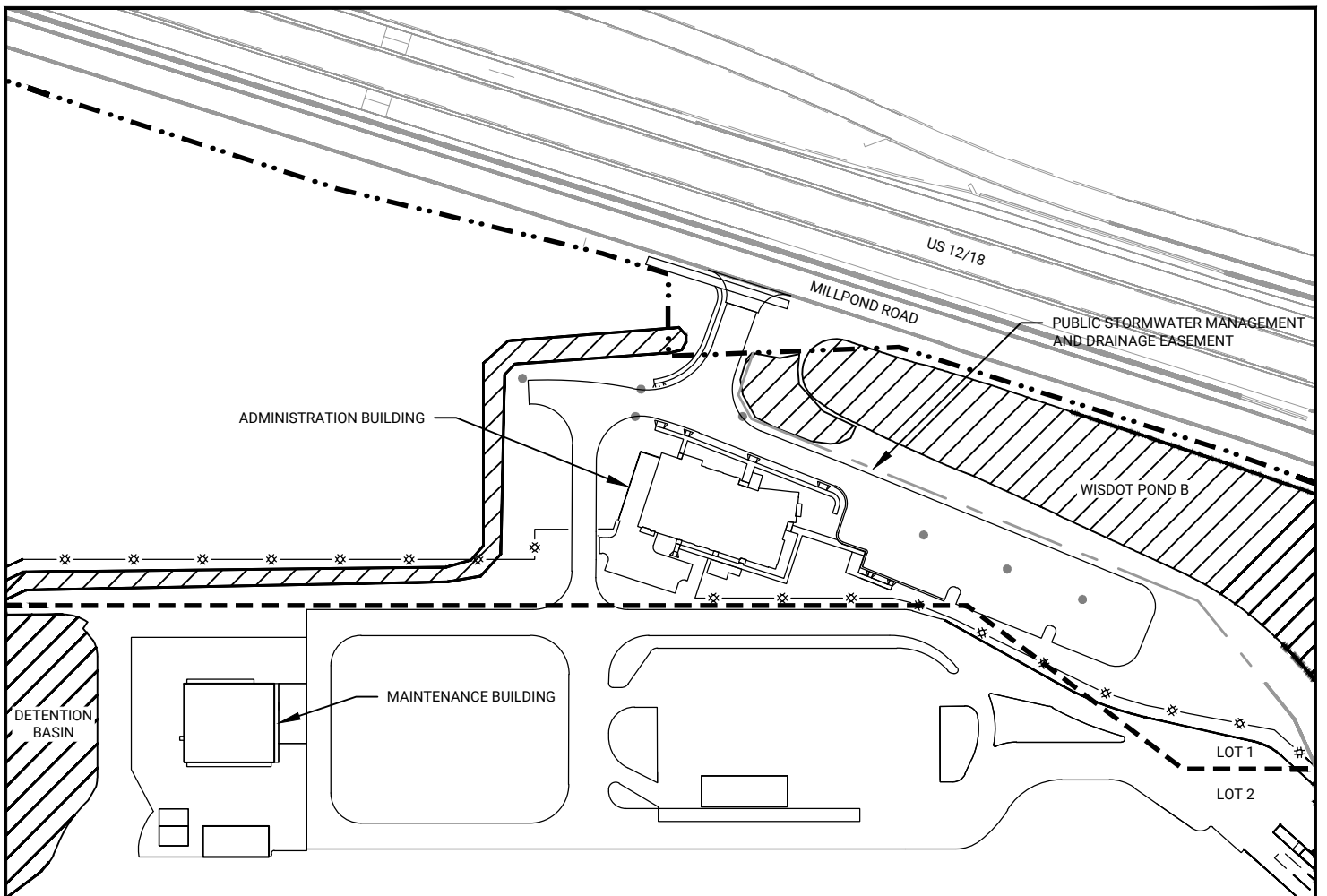
Date Completed: 06/26/2026

Revision Date:

Drawn By: DJM4

Checked By: BJS1

Project No: 24D011.00



VICINITY MAP  
SCALE 1" = 2,000'

**LEGEND**

	PROPERTY LINE
	LOT LINE
	LIMITS OF WASTE
	FENCE (CHAIN LINK/WOVEN WIRE)
	STORM WATER FACILITIES
	STORM INLET

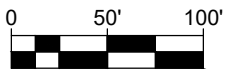


**DANE COUNTY WASTE & RENEWABLES**



**EXHIBIT C2**

STORM WATER FEATURES  
7125 Millpond Rd  
MADISON, WI 53713



SCALE

Date Completed: 06/24/2026	Revision Date:
Drawn By: DJM4	Checked By: BJS1
Project No: 24D011	

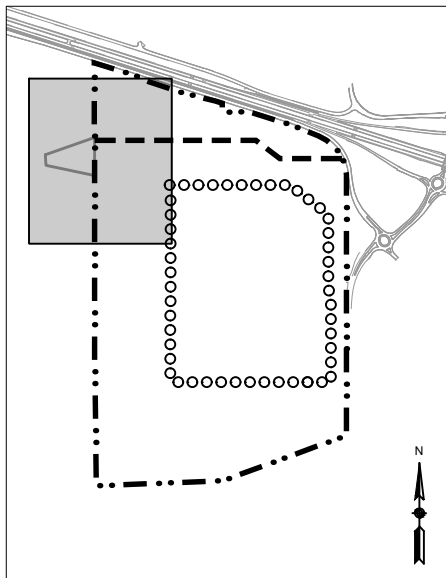
PERMANENT LIMITED EASEMENT FOR SUSTAINABILITY CAMPUS AND LANDFILL STORM WATER INTRASTRUCTURE AND DRAIANGE, DOCUMENT #6068042

LOT 1

LOT 2







DETENTION BASIN

LANDFILL NO. 3 LIMITS



**VICINITY MAP**  
SCALE 1" = 2,000'

**LEGEND**

-  PROPERTY LINE
-  LOT LINE
-  LIMITS OF WASTE
-  CITY STORMWATER EASEMENT
-  FENCE (CHAIN LINK/WOVEN WIRE)
-  STORM WATER FACILITIES

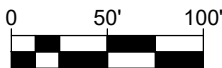


**DANE COUNTY WASTE & RENEWABLES**



**EXHIBIT C3**

STORM WATER FEATURES  
7125 Millpond Rd  
MADISON, WI 53713



SCALE

Date Completed: 06/24/2026

Revision Date:

Drawn By: DJM4

Checked By: BJS1

Project No: 24D011