

**RESOLUTION NO. 2022-08**  
**(2-7-2022)**

**RESOLUTION AUTHORIZING THE VILLAGE OF CALEDONIA TO EXECUTE A  
STORM WATER MANAGEMENT PRACTICE MAINTENANCE AGREEMENT WITH  
BRIARWOOD OF CALEDONIA LLC FOR BRIARWOOD CONDOMINIUM**

**WHEREAS**, the Caledonia Utility District has conditionally approved a Storm Water Management Plan, a Site Grading Plan, and a Utility Construction Plan for Briarwood Condominium for the construction of 15 – 2-unit condominiums, public infrastructure, and a private road, located North of Candlelight Drive and Briarwood Lane, immediately West of the Racine Tennis Club. To develop this property, there was Storm Water infrastructure required. This infrastructure was designed within the plans. As a condition of approval of the Storm Water Management Plan, a Site Grading Plan, and Utility Construction Plan for Briarwood Condominium, a Storm Water Management Practice Maintenance Agreement will need to be executed.

**WHEREAS**, the Owner, Briarwood of Caledonia, LLC has executed said Storm Water Management Practice Maintenance Agreement.

**WHEREAS**, the President and Clerk of the Village need to execute the Storm Water Management Practice Maintenance Agreement in order to allow it to be recorded.

**NOW, THEREFORE, BE IT RESOLVED** by the Caledonia Village Board that the execution of the Storm Water Management Practice Maintenance Agreement as set forth in Exhibit A, which is attached hereto and incorporated herein by reference, is approved and that the Village President and Village Clerk are authorized to execute said Storm Water Management Practice Maintenance Agreement.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin,  
this 7<sup>th</sup> day of February, 2022.

VILLAGE OF CALEDONIA

By: \_\_\_\_\_

James R Dobbs, Village President

Attest: \_\_\_\_\_

Joslyn Hoeffert, Village Clerk

Briarwood  
Storm Water Management Practice  
Maintenance Agreement

Document Number

Briarwood of Caledonia LLC, as "Owner" of the property described below, in accordance with State and the Village of Caledonia Code of Ordinances 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:** Wet Pond Overall Drainage & Grading Plan – shows an accurate location of each storm water management practice affected by this Agreement.

**Exhibit C:** Wet Pond Outlet Structure

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

Name and Return Address

Briarwood of Caledonia LLC  
8338 Corporate Drive  
Mount Pleasant, WI 53406

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) identified in Exhibit B.
2. The Owner 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 D.
3. The Village of Caledonia, 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 D. Upon written notification by Village of Caledonia or their designee, the Owner shall, at their own cost and within a reasonable time period determined by the Village of Caledonia, have an inspection of the storm water management practice conducted by a qualified professional, file a report with the Village of Caledonia and complete any maintenance or repair work recommended in the report. The Owner shall be liable for the failure to undertake any maintenance or repairs.
4. Upon notification by the Village of Caledonia of required maintenance or repairs, the Owner shall complete the specified maintenance or repairs within a reasonable time frame determined by the Village of Caledonia.
5. If the Responsible Party does not complete an inspection under 3. Above or required maintenance or repairs under 4. Above within the specified time period, the Village of Caledonia is authorized, but not required, to perform the specified inspections, maintenance or repairs. In the case of an emergency situation, as determined by the Village of Caledonia, no notice shall be required prior to the Village of Caledonia performing emergency maintenance or repairs. The Village of Caledonia 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.

**104-04-23-21-061-000**

Parcel Identification Number(s) – (PIN)

Owner: Branwyn of Caledonia LLC  
Ronald C. Luffler

By: Raymond C. Luffler  
Member

STATE OF WISCONSIN )  
                                  ) ss.  
RACINE COUNTY        )

Personally came before me this 18<sup>th</sup> day of January, 2022 the above named Raymond Luffler, to me known to be the person who executed the foregoing instrument and acknowledged the same.

**NANCY LYNN WASHBURN**  
Notary Public  
State of Wisconsin

Nancy Lynn Washburn  
Notary Public, State of Wisconsin  
My Commission expires 3-8-2025

Village of Caledonia:

James R. Dobb  
Village President

STATE OF WISCONSIN )  
                                  ) ss.  
RACINE COUNTY        )

Personally came before me this 7<sup>th</sup> day of February, 2022 the above named James R. Dobb & Josh Hyst, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Anthony A. Bunkelau  
Notary Public, State of Wisconsin  
My Commission July 26, 2023

Village of Caledonia:

Josh Hyst  
Village Clerk

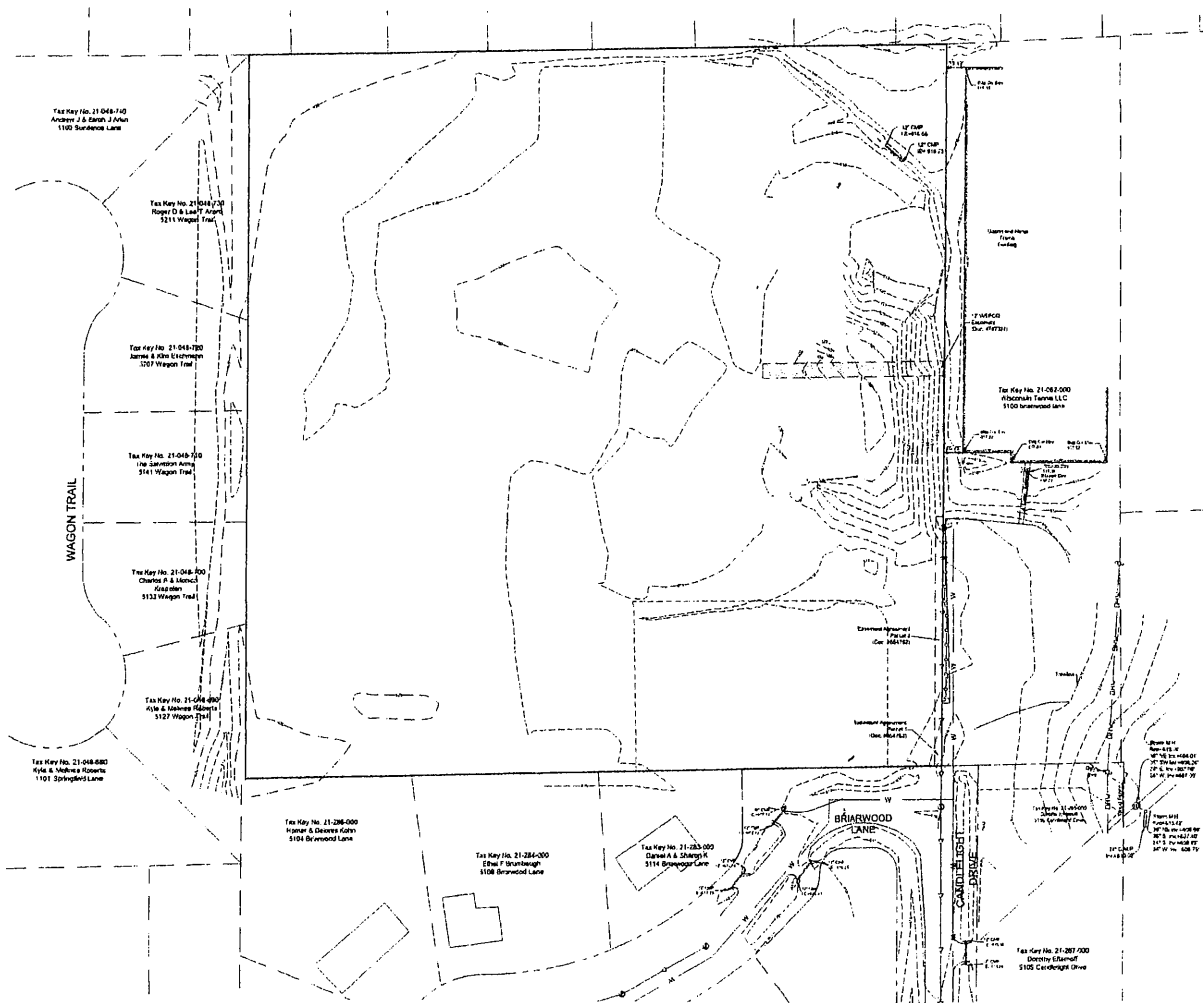
**This document was drafted by:**

**Pinnacle Engineering Group**  
15850 West Bluemound Road  
Suite 210  
Brookfield, WI 53005

# Exhibit A – Legal Description

The following description and reduced copy map identifies the land parcel(s) affected by this Plan. For a larger scale view of the referenced document, contact the Village of Caledonia.

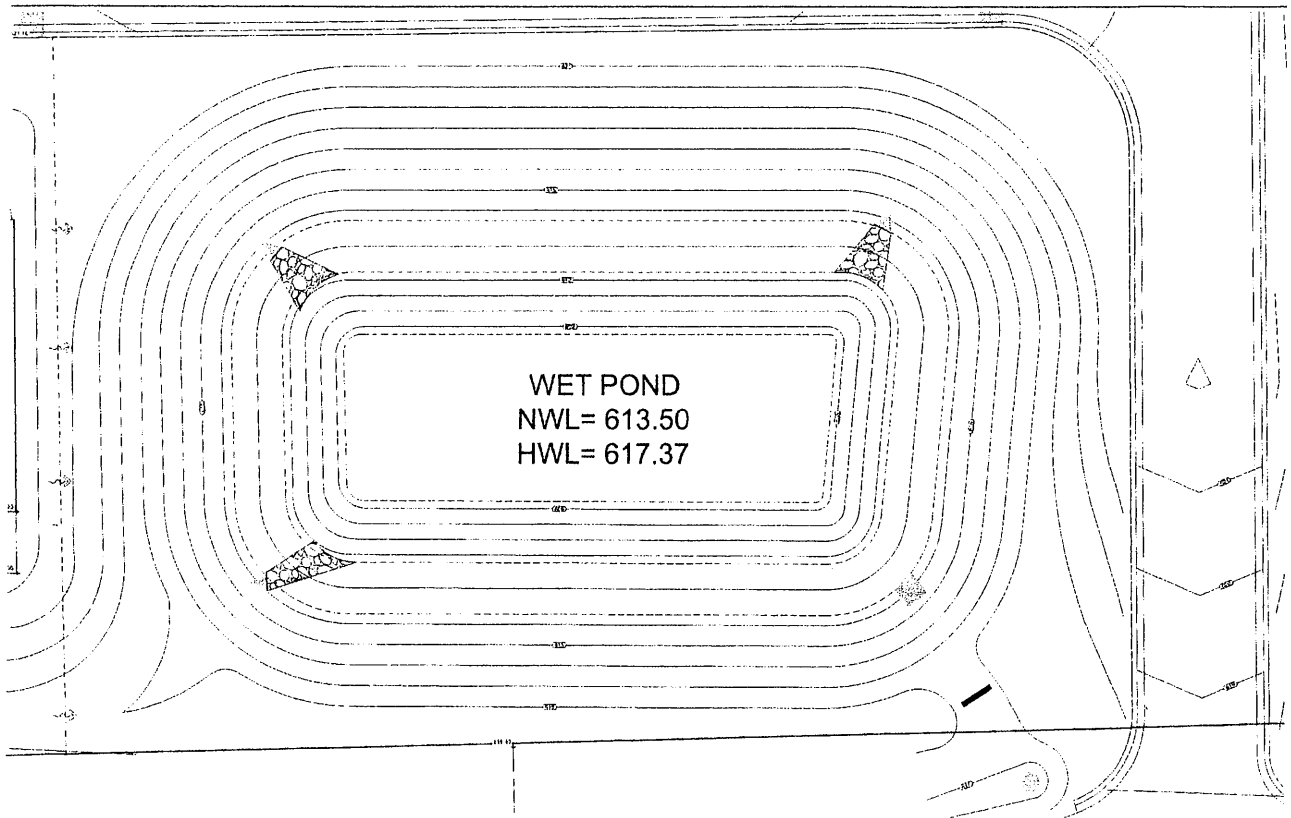
Project Name: **Briarwood**  
Map Produced By: **Pinnacle Engineering Group**  
Location: **Being a part of the Southeast ¼ of the Southwest ¼ of Section 21, Township 4 North, Range 23 East, Village of Caledonia, Racine County, Wisconsin**



## Exhibit B – Wet Pond Overall Drainage & Grading Plan

The storm water management practices covered by this Plan are depicted in the reduced copy of the construction plans, as shown below. The practices include water quality basins, spillways, earthen berms and other components of these practices.

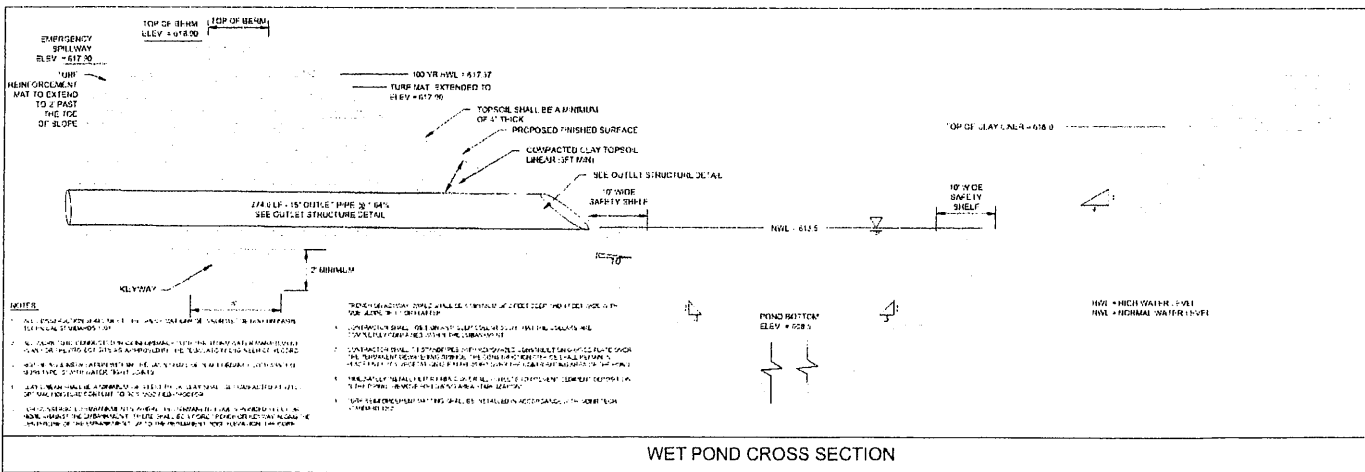
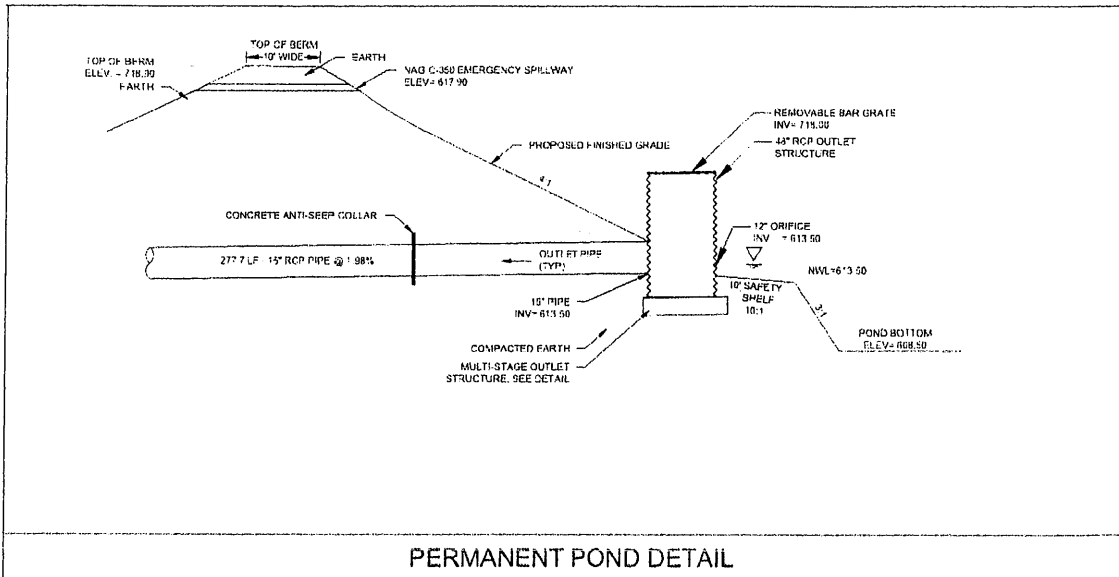
Project Name:            **Briarwood**  
Storm water Practices:   **Wet Pond**  
Location of Practices:   **Southeast corner of the site**



## Exhibit C – Wet Pond Outlet Structure

The storm water management practices covered by this Plan are depicted in the reduced copy of the construction plans, as shown below. The practices include water quality basins, spillways, earthen berms and other components of these practices.

**Project Name:** Briarwood  
**Storm water Practices:** Wet Pond  
**Location of Practices:** Southeast corner of site



## **Exhibit D**

### **Minimum Storm Water Practice Maintenance Requirements**

This exhibit explains the basic function of each of the storm water practices listed in Exhibits B through C and prescribes the minimum maintenance requirements to remain compliant with this Plan. The maintenance activities listed below are aimed to ensure these practices 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.

#### **WET DETENTION BASIN**

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

The wet pond is designed to remove at least 66% of the Total Suspended Solids (TSS) in the site runoff and to reduce pre-development downstream peak flows. To function correctly, the pond size, water level and outlet structures must be maintained as specified in this Plan (see Exhibits C).

Briarwood is a proposed subdivision development. The project is located north of Briarwood Lane and Candlelight Drive in the Village of Caledonia, Racine County, Wisconsin.

##### **Minimum Maintenance Requirements:**

To ensure the proper function of the storm water management practices described above, the following activities must be completed:

1. All outlet structures and pipes must be checked monthly to ensure there is no blockage from floating debris or ice, especially the washed stone in front of the orifices and the trash rack on the risers in the main part of the wet pond. Any blockage must be removed immediately. The washed stone must be replaced when it becomes clogged.
2. Grass swales shall be preserved to allow free flowing of surface runoff in accordance with approved grading plans. No buildings or other structures are allowed in these areas. No grading or filling is allowed that may interrupt flows in any way.
3. Grass swales, inlets and outlets must be checked at least twice yearly (spring and fall) and after heavy rains for signs of erosion. Any eroding areas must be repaired immediately to prevent premature sediment build-up in the basin. Erosion matting is recommended for repairing grassed areas.
4. NO trees are to be planted or allowed to grow on the earthen berms. Tree root systems can reduce soil compaction and cause berm failure. The berms must be inspected annually and any woody vegetation removed.
5. If floating algae or weed growth becomes a nuisance (decay odors, etc.), it must be removed from the basin and deposited where it cannot drain back into the basin. Removal of the vegetation from the water reduces re-growth the following season (by harvesting the nutrients). Wetland vegetation must be maintained along the waters edge for safety and pollutant removal purposes.
6. The wet pond is to be cleaned out prior to the depth of sediment reaching the dewatering hole. All removed sediment must be placed in an appropriate upland disposal site and stabilized (grass cover) to prevent sediment from washing back into the basin.
7. No grading or filling of the wet pond or berms other than for sediment removal is allowed, unless otherwise approved by the Village of Caledonia.
8. To promote more effective infiltration, mowing in the drainage ways, detention basins, and wetland fringe areas should be minimized. If mowing is deemed necessary, the mowing heights should be no shorter than six (6) inches. Restricting any mowing to late summer or autumn will minimize mortality to ground nesting birds. To discourage the presence of nuisance waterfowl (i.e. Canada Geese), a minimum 30-foot wide no-mow fringe shall be maintained around all detention basins, where possible.
9. After Vegetation is 70% established, the use of herbicides/pesticides is to be discontinued along the swales & basins.