

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.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of _____, 20_____.

STATE OF WISCONSIN)
COUNTY OF LA CROSSE) SS

Personally came before me this _____ day of _____, 20_____, the above named _____, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC

My Commission Expires: _____

Drafted by: City of La Crosse
Engineering Department
400 La Crosse Street
La Crosse, Wisconsin 54601

EXHIBIT A
Legal Description

Lot 2, Volume 19, Page 45, Document No. 1752766, City of La Crosse, La Crosse County, WI (Parcel ID #17-50285-22)

EXHIBIT B

Maintenance Provisions

PERMANENT COMPONENTS OF THE STORMWATER SYSTEM

The storm water system consists of the following components:

- + *Storm water drainage ways and swales*
 - *Infiltration areas*
 - *Permeable pavers with sub-surface storage*

See Figure 1 attached hereto.

INSPECTION AND MAINTENANCE

All components of the storm water system shall be inspected at least semiannually in early Spring and early Autumn. Repairs will be made whenever the performance of a storm water control structure is compromised.

Repairs will be made whenever the performance of the permeable paver system is compromised. Repairs shall bring the system back to intended purpose.

Infiltration areas shall be inspected for clogs and other debris. Remove accumulated sediment deposits and/or debris and repair any eroded or damaged grass areas. If water is retained for more than 48 hours after a storm event, replace top 6" of engineered soil. Remove any identified weeds or grasses. Do not plow/store snow in bioretention basin.

MOWING / FERTILIZER & CHEMICAL APPLICATION

Mowing in buffer areas, pond banks and drainage ways will be minimized in order to maximize filtration of runoff. If occasional mowing is necessary, the mowing height will be no shorter than three inches.

Applications of fertilizers, herbicides, pesticide or other chemical applications are prohibited in buffer areas, on pond banks and along drainage ways.

POST CONSTRUCTION OPERATION AND MAINTENANCE PLAN

Permeable pavers shall be inspected for clogs and other debris. Sweeping and vacuuming shall be required to clean out voids and to restore permeability. Apply high pressure hosing of the site after you have swept and vacuumed it thoroughly. Check that the voids are still well filled with aggregate, and if not you shall have to regularly re-fill them. Using clean gravel is the chosen fill material. Fix or replace damaged Permeable Pavers.