

**AGREEMENT FOR MAINTENANCE OF
STORM WATER DETENTION SYSTEM**

This agreement is made on February 16, 2024, by EIG14T JV MI ROCHESTER HILLS LLC, a Michigan limited liability company, whose address is 1695 Twelve Mile Road, Suite 100, Berkley, Michigan 48072 ("**Owner**") and the CITY OF ROCHESTER HILLS (the City), whose address is 1000 Rochester Hills Drive, Rochester Hills, MI 48309.

RECITALS:

WHEREAS, Owner owns and occupies the property described in attached **Exhibit A**; and

WHEREAS, Owner has proposed, and the City has approved, a storm water drainage and detention system (the system), which includes a detention basin, for the property as described and depicted in the attached **Exhibit B**; and

WHEREAS, the parties will benefit from the proper use and maintenance of the System and desire to enter into this agreement to provide for the same.

THEREFORE, the parties agree:

1. **Use of the System:** Components of the System, including the detention basin, shall be used solely for the purpose of detaining storm and surface water on the property until such time as: (i) The City may determine and advise Owner, or Owner's successors, grantees or assigns, in writing that it is no longer necessary to use the detention basin to detain storm or surface water; and (ii) An adequate alternative for draining storm and surface water has been provided which is acceptable to the City and which includes the granting of such easements to the City or third parties for the alternative drainage system as may be necessary.

2. **Maintenance:**

A. Owner shall be responsible for the proper maintenance, repair and replacement of the System and any part thereof, including the detention basin as detailed in the Maintenance Plan attached as **Exhibit C**.

B. Proper maintenance of the System shall include, but not limited to: (i) Keeping the bottom of the detention basin free from silt and debris; (ii) Removing harmful algae; (iii) Maintaining steel grating across the basin's inlets; (iv) Controlling the effects of erosion; and (v) Any other maintenance that is reasonable and necessary in order to facilitate or accomplish the intended function and purpose of the System.

3. **Action by City:** In the event Owner or Owner's successors, grantees, or assigns, neglects or fails at any time to properly maintain the System or any part thereof, the City may notify Owner or Owner's successors, grantees or assigns, in writing, and the notice shall include a listing and description of maintenance deficiencies and a demand that they must be corrected within thirty (30) days. The notice shall further specify the date and place for a hearing to be held at least fourteen (14) days after the date of the notice before the City Council, or such other board or official to whom the City Council may delegate responsibility. At the hearing, the City Council (or other board or official) may endorse or modify the listing and description of deficiencies to be corrected and, for good cause, may extend the time within which the deficiencies must be corrected.

Thereafter, if the maintenance deficiencies are not corrected within the time allowed, the City may undertake and make the necessary corrections, and may maintain the System for a period not to exceed one (1) year. Such maintenance of the System by the City shall not be deemed a taking of the property, nor shall the City's actions be deemed to vest in the public any right to use the property. If the City determines maintenance of the system by the City should continue beyond one year, the City shall hold, and provide advance written notice of, a further hearing at which Developer or Owner's successors, grantees or assigns, will not or cannot properly maintain the System, the City may continue to maintain the System for another year, and subject to a similar hearing and determination, in subsequent years.

In the event the City determines an emergency condition caused by or relating to the System threatens the public health, safety or general welfare, the City shall have the right to immediately and without notice enter the property and undertake appropriate corrective action.

4. **Charges:** The City shall charge to the current owner of the property the cost of maintenance or other corrective action undertaken by the City in accordance with this agreement, plus a ten percent (10%) administrative fee. If not timely paid, the City may assess the charges on the City's tax roll, which charges shall be a lien on the real property and shall be collectable and enforceable in the same manner general property taxes are collected and enforced.

5. **Notice:** Any notices required under this agreement shall be sent by certified mail to the address for each party set forth below, or to such other addresses as such party may notify the other parties in writing:

To EIG14T JV MI ROCHESTER HILLS LLC : 1695 Twelve Mile Road, Suite 100
Berkley, MI 48072
Attn: General Counsel

To the City: Clerk
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

6. **Successors and Assigns:** This agreement shall bind and inure to the benefit of the parties and their respective successors, grantees and assigns. The rights, obligations and responsibilities hereunder shall run with the land and shall bind all current and future owners of the property.

7. **Recording of Agreement:** This agreement shall be recorded at the Oakland County

Register of Deeds.

EIG14T JV MI ROCHESTER HILLS LLC

By: 
Reed Fenton, Manager

CITY OF ROCHESTER HILLS


By: _____
Bryan K. Barnett, Mayor

STATE OF MICHIGAN
COUNTY OF OAKLAND

This agreement was acknowledged before me on February 16, 2024,

By Reed Fenton, who is the Manager of EIG14T JV MI ROCHESTER HILLS LLC, a Michigan limited liability Company, on behalf of the limited liability company.




Mary Jo Marchetti, Notary Public
Oakland County, Michigan
My commission expires: 8/30/2026

STATE OF MICHIGAN
COUNTY OF OAKLAND

This agreement was acknowledged before me on _____, 20____,

by Bryan K. Barnett, Mayor, of the City of Rochester Hills, on behalf of the City.

Drafted By:
Michael J. Laramie
1695 Twelve Mile Rd., Suite 100
Berkley, MI 48072

notary public
County, Michigan
My commission expires: _____

When Recorded Return to:
Clerks Dept.
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

*P. Dan Christ
Approved 3/8/24*

EXHIBIT "A"
PROPERTY DESCRIPTION

LEGAL DESCRIPTION:

(Per First American Title Insurance Company, Commitment No. 956940, dated September 07, 2022)

Land in the City of Rochester Hills, Oakland County, MI, described as follows:

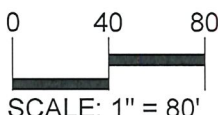
Part of the West 1/2 of Section 23, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, being more particularly described as follows: Beginning at a point which is North 01 degree 50 minutes 00 seconds West 2.36 feet along the West line of Section 23 and North 85 degrees 52 minutes 54 seconds East 66.05 feet from the West 1/4 corner of Section 23, Town 3 North, Range 11 East; thence North 85 degrees 52 minutes 55 seconds East 409.33 feet; thence South 01 degree 48 minutes 43 seconds East 437.73 feet; thence Westerly 8.72 feet along the arc of a curve to the right (Radius of 535.00 feet, central angle of 00 degrees 56 minutes 01 second, long chord bears North 83 degrees 57 minutes 43 seconds West 8.72 feet); thence Westerly 87.82 feet along the arc of a curve to the left (Radius of 605.00 feet, central angle of 08 degrees 19 minutes 02 seconds, long chord bears North 87 degrees 39 minutes 12 seconds West 87.74 feet); thence Westerly 51.57 feet along the arc of curve to the right (Radius of 645.00 feet, central angle of 04 degrees 34 minutes 52 seconds, long chord bears North 89 degrees 31 minutes 17 seconds West 51.56 feet); thence North 87 degrees 13 minutes 52 seconds West 262.17 feet; thence North 01 degree 48 minutes 43 seconds West 390.70 feet along a line parallel with and 66 feet East to the West line of Section 23 to the point of beginning.

EXCEPT:

Part of the Southwest 1/4 of Section 23, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan described as: Beginning at a point distant North 01 degrees 50 minutes 00 seconds West 2.36 feet and North 85 degrees 52 minutes 55 seconds East 66.05 feet and North 85 degrees 52 minutes 55 seconds East 379.31 feet from the West 1/4 corner of said Section 23; thence continuing North 85 degrees 52 minutes 55 seconds East 30.02 feet; thence along the West lines of Lots 214 mu 217 of "EDDINGTON FARMS SUB NO. 2" (as recorded in Liber 219, Page 14 Oakland County Records) South 01 degrees 48 minutes 43 seconds East 437.72 feet; thence Westerly 8.72 feet along the arc of a curve to the right, having a radius of 535.00 feet and a long chord which bears North 83 degrees 57 minutes 44 seconds West 8.72 feet; thence Westerly 21.54 feet along the arc of a curve to the left, having a radius of 605.00 feet and a long chord which bears North 84 degrees 30 minutes 53 seconds West 21.54 feet; thence North 01 degrees 48 minutes 43 seconds West 432.60 feet to the point of beginning.

Approved
Jm
City of Rochester Hills
01/18/2024

EIG14T
3221 W. BIG BEAVER
ROAD, SUITE 111
TROY, MI 48084

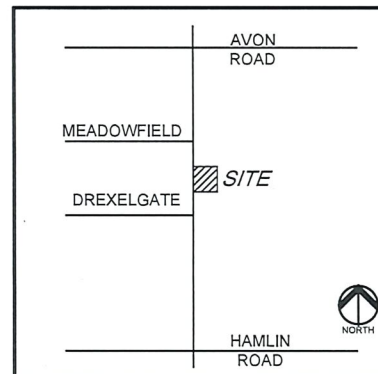


JANUARY 5, 2024
PEA JOB # 22-1301

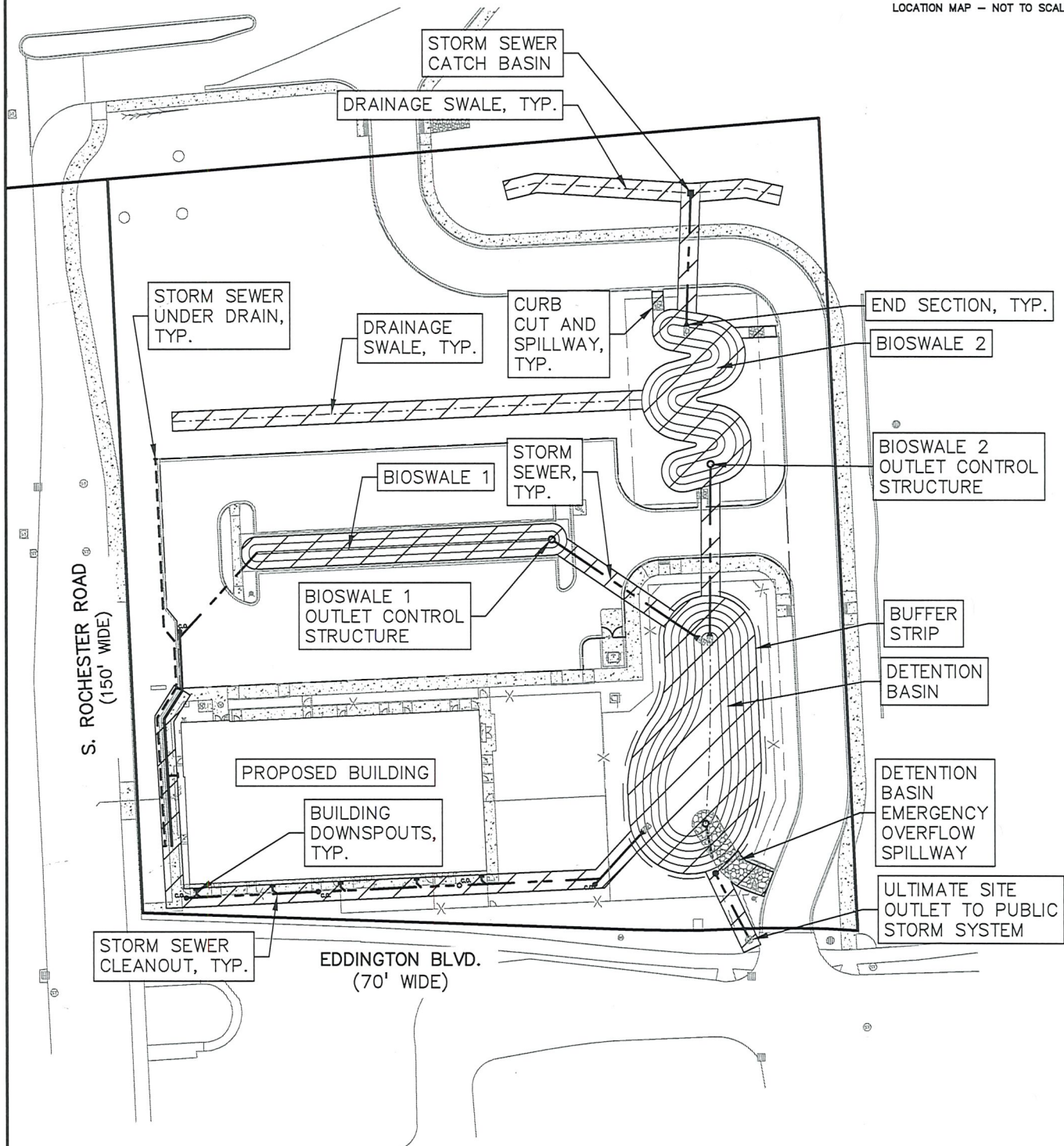
PEA
GROUP

t: 844.813.2949
www.peagroup.com

EXHIBIT "B"
PHYSICAL LIMITS OF STORM WATER MANAGEMENT SYSTEM



LOCATION MAP - NOT TO SCALE

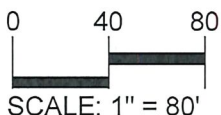


 PROPERTY OWNER
 STORM MAINTENANCE
 RESPONSIBILITY

Approved
 ARS 2/2/2024



EIG14T
 1695 Twelve Mile Road,
 Suite 100
 Berkley, MI 48072



JANUARY 22, 2024
 PEA JOB # 22-1301

PEA
GROUP

t: 844.813.2949
 www.peagroup.com

EXHIBIT "C"

OPERATION AND MAINTENANCE MANUAL

Primrose School
Stormwater Maintenance Plan
Rochester Hills, MI

Property Owner
EIG14T
1695 Twelve Mile Road
Suite 100
Berkley, MI 48072

JRB Approved
2/9/2024

OPERATION AND MAINTENANCE MANUAL

INTRODUCTION:

This manual identifies the ownership, operation and maintenance responsibilities for all storm water management systems including the detention basin, forebay, storm sewer system, outlet control structures, and bioswales as incorporated into and detailed on the approved Construction Plans as prepared by Professional Engineering Associates, Inc. In order to comply with the local best management practices (BMP) and requirements, this manual should serve as a minimum performance standard. This manual should be retained intact and read in its entirety by all parties responsible for the operations and maintenance of the on-site BMP's.

OWNER:

EIG14T
1695 Twelve Mile Road
Suite 100
Berkley, MI 48072

PROPERTY INFORMATION:

This Operations and Maintenance Manual covers the storm water systems located on the property as described in Exhibit "A" to this storm water system maintenance agreement.

TAX ITEM NO. 15-23-301-018

STORMWATER MAINTENANCE EXHIBIT:

Exhibit "B" of the Storm Water Maintenance Agreement is the Storm Water System Plan which provides a clear presentation of all components of the storm water system. This system is subject to the long-term operation and maintenance responsibilities detailed in this manual. The system includes:

- Storm sewer pipes
- Bioswales
- Storm sewer structures (manholes, inlets, catch basins, etc.)
- Outlet control structures
- Detention basin and Forebay
- Drainage swales
- Curb spillways

INSPECTIONS:

The frequency of system inspections outlined in the manual and attached exhibits should be considered the minimum, if no events warrant additional inspections. The frequency of inspection should be fine-tuned over time as system specific conditions are better known and the rate at which certain maintenance operations need to be performed is better understood. Maintenance Inspection Checklists are provided for each of the BMP's in this system. Inspections should be performed by personnel responsible for maintenance and may need to be certified for confined space entry, depending on the component being inspected. Operation of the detention system and outlet control structures may need to be inspected by a practicing civil engineer familiar with their operation.

Records of all routine inspections and any work performed on the system for maintenance, repair or replacement should be maintained by the owner and kept for a minimum of ten (10) years. A copy of all records should be provided to the City of Rochester Hills Engineering Division. The records should include this manual, all inspection sheets, approved construction plans and as-built documents, a maintenance log of work performed to the system(s) and contact information for the system inspector, civil engineer, landscape architect, geotechnical engineer and contractor involved with the system.

STORM WATER SYSTEM MAINTENANCE:

Regular Inspection and maintenance of BMP's are necessary if these facilities are to consistently perform up to expectations. Stormwater systems are expected to perform quality and quantity control functions as long as the land use they serve exists. Failure to maintain these systems can create the following adverse impacts:

- Increased pollutants to surrounding surface water features
- Potential loss of life or property resulting from catastrophic failure of the facility
- Aesthetic or nuisance conditions, such as mosquitoes or reduced property values due to a degraded facility appearance.

Most of these impacts can be avoided through proper and timely inspection and maintenance. A major concern associated with these impacts is the general public's expectations related to the quality of life provided, in part, by construction of these systems. Inadequate maintenance means the general public may have a false sense of security. The most common cause of stormwater system failure is the lack of adequate and proper operation, inspection, maintenance and management.

Good design and construction can reduce subsequent maintenance needs and costs, but they can not eliminate the need for maintenance altogether. Maintenance requires a long-term commitment of time, money, personnel and equipment. Monitoring the overall performance of the stormwater management system is a major aspect of any maintenance program.

GENERAL MAINTENANCE ITEMS:

Parking Lot Sweeping:

Routine sweeping of all paved surfaces provides a more attractive appearance and removes accumulations of sediment and trash that tend to migrate into stormwater management systems during rainfall events. Parking lot sweeping should be performed quarterly or as necessary to limit sediment and trash build-up.

Grass Mowing and Maintenance:

Mowing requirements at a facility should be designed to the specific site conditions, grass types and seasonal variations in climate. Requirement for grasses in bioswales will vary see the applicable section below. Grassed areas require periodic fertilizing, de-thatching and soil conditioning in order to maintain healthy growth. Provisions will need to be made to reseed and reestablish grass cover in areas damaged by sediment accumulation, stormwater flow, erosion or other causes. Dead turf will need to be replaced after being discovered. Inspection of the grass areas and other landscaping features should be made annually.

Trash and Debris Removal:

Removal of trash and debris from all areas of the property should be performed monthly. Removal of these items will prevent damage to vegetated areas and eliminate their potential to inhibit the operation of any of the stormwater management systems. Sediment, debris and trash that are removed and collected should be disposed of according to local, State and Federal regulations at suitable disposal and/or recycling centers.

Stormwater System Maintenance Items:

The following narratives give an overview of the maintenance requirements of the different components of the stormwater system. The inspection checklists attached to this report offer a more complete listing of what should be inspected, when inspection should occur and the likely frequency of maintenance activities.

Storm Sewer and Structures:

Catch basins, inlets, manholes, outlet control structures, and storm sewer pipes should be inspected to check for sediment accumulation and clogging, floatable debris, dead vegetation, etc. The structures and sewers should also be observed during a wet weather event to ensure their proper operation. Accumulated sediment and debris should be removed on an annual basis or as needed based on observed conditions. Structural repairs or maintenance should occur as needed based on observed conditions such as cracks, spalling, joint failure, leakage, misalignment or settlement of structures. A civil engineer should be retained if problems are thought to exist.

Swales:

Swales should be kept free of dead leaves and vegetation, trash, debris or any other foreign matter that would inhibit infiltration of runoff. Should sediment accumulation be observed in the swale over time, it should be removed, and the receiving end section checked for clogs. The operation of the swale should be observed during a wet weather event to ensure the proper functioning of the swale. A civil engineer should be retained if problems are thought to exist.

Bioswales:

The bioswales should be kept free of dead leaves and vegetation, trash, debris or any other foreign matter that would inhibit infiltration of runoff. The swale outlet control structure should be checked for structural integrity as mentioned above for the storm sewer structures, and any visible signs of erosion or flow bypassing the structure. The bioswale itself will trap sediment under normal conditions, so the amount of sediment should be monitored over time, and removed when the accumulated depth reaches 3"-4" total. The planted vegetation within the bioswale should conform to that shown on the construction plans, and any invasive species should be removed from the swale. Regular lawn fertilizing and mowing should not occur within the bioswale at all. Mowing should cease at the top of bank for the bioswale. The operation of the bioswale and the outlet control structure should be observed during a wet weather event to ensure the proper functioning of the swale. A civil engineer should be retained if problems are thought to exist. The vegetation should be inspected for healthy growth by a landscape architect if the inspection personnel are not familiar with the specific plantings inside the bioswale.

Curb Spillways:

Swales should be kept free of dead leaves and vegetation, trash, debris or any other foreign matter that would inhibit infiltration of runoff. Concrete should be checked for cracks, spalling, and missing rip-rap. A civil engineer should be retained if problems are thought to exist.

Detention Basin Outlet Control Structures and Overflow Structure:

Both the outlet control and overflow structures and connecting pipes should be inspected for sediment accumulation, floatable debris, trash and any other foreign matter that may impede flow or restrict the devices from working properly. The stone jacket surrounding the outlet control structure should be inspected to make sure they do not become blocked. The grates of the two structures should be inspected for structural integrity and buildup of debris. The outlet control system should be inspected during a wet weather event to ensure that all components are functioning properly. A civil engineer should be retained if problems are thought to exist.

Maintenance should include the removal of any debris, trash or sediment from the structures and/or pipe, clearing the stone jacket on the outlet control structure, and removal of debris from the structure grates. The stone jacket may need replacement if cleaning does not adequately remove sediment buildup.

Forebay and Detention Basin:

The inlet pipes to the basins should be inspected for structural integrity (pipes cracked, broken, or spalled) and that the grates are free from any debris. The area around and immediately downstream of the inlet pipes should be inspected for sediment buildup or erosion. The riprap

should be inspected for integrity and sedimentation. Maintenance of the inlet pipes would include removal of any sediment buildup and debris, and repair or replacement of any components that are in need of attention.

The basins should be inspected for healthy grass growth, side slope erosion, and excessive sedimentation in both basins. The overflow spillway between the basins should be inspected for sedimentation, erosion, and overall integrity. The forebay should trap sediment when working as designed and as such will need regular inspection and removal of the buildup once the total depth reaches 6 to 12 inches, or if sediment re-suspension is observed during a rain event. The basins should be inspected during a wet weather event to ensure that all aspects of the basins are functioning properly. A civil engineer should be retained if problems are thought to exist. The vegetation should be inspected for healthy growth by a landscape architect if the inspection personnel are not familiar with the specific plantings inside the basins.

Any complaints received regarding the basin aesthetics or operation should be investigated during inspections and wet weather operations.

The following page includes a checklist and reproducible inspection form for use during inspection of the components listed above.

**STORM WATER MANAGEMENT SYSTEM
LONG-TERM MAINTENANCE PLAN
INSPECTION REPORT**

Property Information: PRIMROSE SCHOOL
1515 S ROCHESTER ROAD
ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN

Applicant/Property Owner: EIG14T
3221 W. BIG BEAVER ROAD, SUITE 111
TROY, MI 48084

Long-Term Maintenance Plan and Schedule

Table 1 identifies the maintenance activities to be performed, organized by category (monitoring/inspections, preventative maintenance, and remedial actions). Table 1 also identifies site-specific work needed to ensure that the storm water management system functions properly as designed.

MAINTENANCE ACTIVITIES	Catch Basins, Inlets & Storm Sewers	Swales	Basin Inlets, Outlets & Gratings	Bioswales and Detention Basin	Outlet Control Structures	Overflow Route	Riprap	Buffer Strip	Pavement Areas	FREQUENCY
MONITORING/INSPECTION										
Inspect for sediment accumulation**/clogging of stone filter	X	X	X	X	X	X				Annually
Inspect for erosion and integrity of banks and berms		X	X	X		X	X	X		Annually and after major events
Inspect for floatables, dead vegetation and debris	X	X	X	X	X	X	X	X		Annually and after major events
Inspect all components during wet weather and compare to as-built plans	X	X	X	X	X	X	X	X	X	Annually
Monitor plantings/vegetation		X		X		X	X			2 times a year
Ensure means of access for maintenance remain clear/open	X	X	X	X	X	X	X	X		Annually
PREVENTIVE MAINTENANCE										
Mowing		X		X	X	X	X			Up to 2 times/year*
Remove accumulated sediment	X	X	X	X	X					As needed**
Remove floatables, dead vegetation and debris	X	X	X	X	X	X				As needed
Replace or wash/reuse stone riser debris					X	X				Every 3 years; more frequently if needed***
Remove invasive plant species		X		X			X			Annually
Sweeping of pavement surfaces (streets and parking areas)									X	As needed
REMEDIAL ACTIONS										
Repair/stabilize areas of erosion		X	X	X		X	X	X		As needed
Replace dead plantings, bushes, trees		X		X				X		As needed
Reseed bare areas		X		X		X	X			As needed
Structural repairs or replacement in kind	X		X		X	X	X		X	As needed
Make adjustments/repairs to ensure proper functioning	X	X	X	X	X	X	X	X	X	As needed
Oil and gasoline spills									X	Immediately

* NOT TO EXCEED THE DURATION ALLOWED BY ORDINANCE.
 ** BIOSWALES AND DETENTION BASIN TO BE CLEANED WHENEVER SEDIMENT ACCUMULATES TO A DEPTH OF 6-12 INCHES OR IF SEDIMENT RESUSPENSION IS OBSERVED
 *** REPLACE STONE IF IT CAN NOT BE ADEQUATELY CLEANED.
 NOTE: WHILE PERFORMING MAINTENANCE, CHEMICALS SHOULD NOT BE APPLIED TO THE BIOSWALES OR DETENTION BASIN

STORM WATER MANAGEMENT SYSTEM – PERMANENT MAINTENANCE

DATE/TIME OF INSPECTION: _____

INSPECTOR: _____

INSPECTORS REMARKS: _____

OVERALL CONDITION OF FACILITY: _____

RECOMMENDED ACTIONS NEEDED: _____

DATES ANY MAINTENANCE MUST BE COMPLETED BY: _____