AMENDMENT TO AGREEMENT FOR MAINTENANCE OF STORM WATER DETENTION SYSTEM

This Amendment Agreement is made this 30th day of August, 2016 by and between The Islamic Association of Greater Detroit, a Michigan Ecclesiastical Corporation, (hereafter "Owner"), whose address is 865 Auburn Road, Rochester Hills, Michigan 48309, and the City of Rochester Hills, a Michigan municipal corporation, (hereafter "City"), whose address is 1000 Rochester Hills Drive, Rochester Hills, MI 48309.

RECITALS

WHEREAS, On December 23, 1997, the Owner and the City entered into a Agreement for Maintenance of Storm Water Detention System ("the Agreement"), which was recorded with the Oakland County Register of Deeds on June 23, 2000 at Liber 21527, pages 071-077, and,

WHEREAS, the Owner has acquired additional adjacent properties surrounding the property covered by the original Agreement; and

WHEREAS, the Owner is in the process of a building expansion on the property and,

WHEREAS, as a result of the additional adjacent propert acquisition and the construction of building expansion on the property, the Storm Water Detention System originally described in the original Agreement needs to be amended.

NOW THEREFORE, it is agreed between the Owner and the City as follows:

1. RECITALS PART OF AGREEMENT. The recitals above are incorporated herein as a part of the body of this Agreement.

2. AMENDMENT OF AGREEMENT FOR MAINTENANCE OF STORM WATER DETENTION SYSTEM. The Agreement for Maintenance of Storm Water Detention System is hereby amended to substitute the attached Exhibit A and Exhibit B for the Exhibit A and Exhibit B attached to the original Agreement.

3. AMENDMENT TO PARAGRAPH 2(B) OF THE AGREEMENT FOR MAINTENANCE OF STORM WATER DETENTION SYSTEM. Paragraph 2(B) of the original Agreement, describing proper maintenance of the Detention System, is amended by adding the attached Exhibit C, OPERATIONS AND MAINTENANCE MANUAL, which describes the method for operation and

maintenance of the Storm Water Detention System.

4. AUTHORITY. The parties whose signatures appear below, hereby represent that they have the authority and capacity to sign this agreement and bind the respective parties hereto.

The parties have caused their signatures to be place on the date set forth opposite their signatures, effective as of August 30, 2016.

OWNER:

ISLAMIC ASSOCIATION OF GREATER DETROIT
a Michigan Ecclesiastical Corporation

Dated: August 30, 2016

By: Ghaus M. Malik
GHAUS M. MALIK
Chairman of the Board of Trustees

CITY:

CITY OF ROCHESTER HILLS
a Michigan Municipal Corporation

Dated: _____ __, 2016

By: _____
BRYAN K. BARNETT, Mayor

Dated: _____ __, 2016

And: _____
TINA BARTON, City Clerk

State of Michigan)
) §§
County of Oakland)

This agreement was acknowledged before me on August 30, 2016, by Ghaus M. Malik, Chairman of the Board of Trustees of the Islamic Association of Greater Detroit, a Michigan Ecclesiastical Corporation, on behalf of the corporation.

Christie Soderling
Christie Soderling, Notary Public
Oakland County, Michigan
My Commission Expires: 7/17/2020

State of Michigan)
) §§
County of Oakland)

This agreement was acknowledged before me on _____ __, 2016, by Bryan K. Barnett, Mayor and Tina Barton, City Clerk, of the City of Rochester Hills, a Michigan Municipal Corporation, on behalf of the corporation.

_____
_____, Notary Public
Oakland County, Michigan
My Commission Expires:__/__/20__

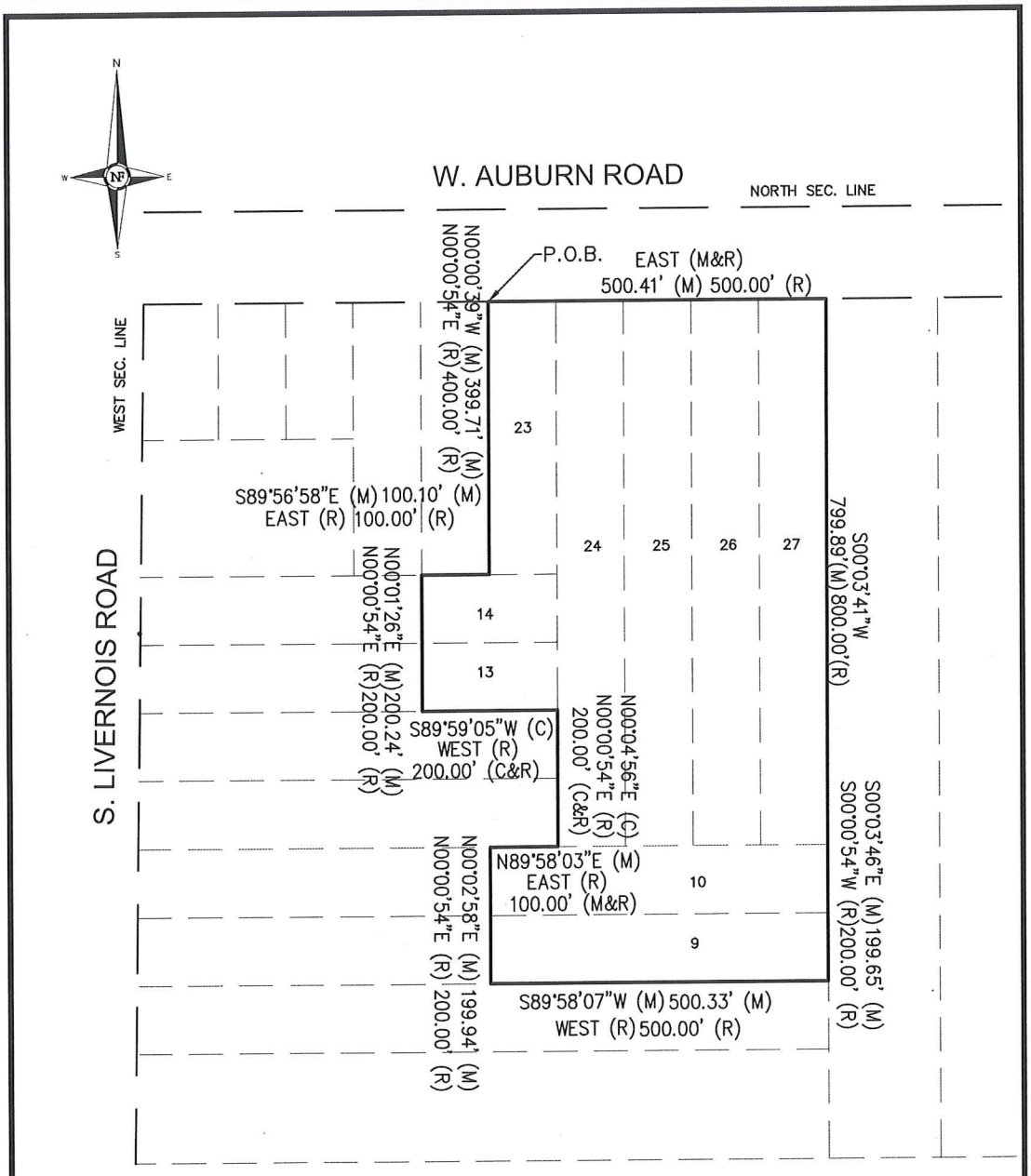
Drafted by: Douglas A. Tull, Attorney at Law,
44841 Van Dyke Avenue,
P.O. Box 180912,
Utica, Michigan 48318-0912

Return to: City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

John Staran
Approved 9/8/16

EXHIBIT A

819 & 879 AUBURN ROAD, ROCHESTER HILLS, MI 48307-4901



NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257

STATE OF MICHIGAN
PATRICK J. WILLIAMS
ENGINEER NO. 44351
LICENSED PROFESSIONAL ENGINEER

200 100 0 100 200 300

SCALE: 1" = 200'

DATE	DRAWN	JOB NO.	SHEET
07-19-2016	AJE	G951	1 of 2

EXHIBIT A

819 & 879 AUBURN ROAD, ROCHESTER HILLS, MI 48307-4901

LEGAL DESCRIPTION

PART OF THE NORTHWEST 1/4 OF SECTION 34, T3N-R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN; DESCRIBED AS PART OF SUPERVISOR'S PLAT NO. 5, A RECORDED PLAT, IN LIBER 6 PAGE 53, OAKLAND COUNTY RECORDS, BEING THE EAST 500 FEET OF LOTS 9 AND 10, ALSO THE EAST 200 FEET OF LOTS 13 AND 14 AND ALL OF LOTS 23 THROUGH 27 OF SAID PLAT.

All together described as: Beginning at the Northwest Corner of Lot 23 of said plat; thence East along the North line of said Lots 23, 24, 25, 26, and 27 of Supervisor's Plat No. 5 a distance of 500.41 feet (previously recorded 500.00 feet) to the Northeast Corner of said Lot 27; thence S00°03'41"W along the East line of Lot 27 a distance of 799.89 feet (previously recorded as 800.00 feet) to the Southeast corner of said Lot 27; thence S00°03'46" 199.65 feet (previously recorded S00°00'54"W 200.00 feet) along the East line of Lots 9 and 10 of said Supervisor's Plat No. 5 to the Southeast corner of Lot 9; thence S89°58'07"W (previously recorded as West) along the South line of said Lot 9 a distance of 500.35 feet (previously recorded as 500.00 feet); thence leaving said South line of Lot 9 N00°02'58"E 199.94 feet (previously recorded as N00°00'54"E 200.00 feet) to a point on the North line of said Lot 10 of Supervisor's Plat No. 5; thence N89°58'03"E (previously recorded East) along the North Line of Lot 10 a distance of 100.00 feet to the Southwest corner of said Lot 24; thence N00°04'56"E (previously recorded N00°00'54"E) along the West line of said Lot 24 a distance of 200.00 feet to the Southeast corner of said Lot 13; thence S89°59'05"W (previously recorded West) along the South line of said Lot 13 a distance of 200.00 feet; thence leaving said South line of Lot 13 N00°01'26"E 200.24 feet (previously recorded N00°00'54"E 200.00 feet) to a point on the North line of Lot 14 of said Supervisor's Plat No. 5, said point being the Southwest corner of Lot 22 of said plat; thence S89°56'59"E 100.10 feet (previously recorded East 100.00 feet) along the North line of Lot 14 to the Southwest corner of Lot 23; thence N00°00'39"W 399.71 feet (previously recorded N00°00'54"E 400.00 feet) along the West line of Lot 23 to the Point of Beginning. Containing 11.48 acres of land more or less and being subject to any easements, right of ways, or restrictions recorded.

PARCEL IDS# 70-15-34-101-045
70-15-34-101-009 (LOT 25)
70-15-34-101-010 (LOT 26)
70-15-34-101-011 (LOT 27)

Mike Taunt
Approved 9/2/16

NOWAK & FRAUS ENGINEERS
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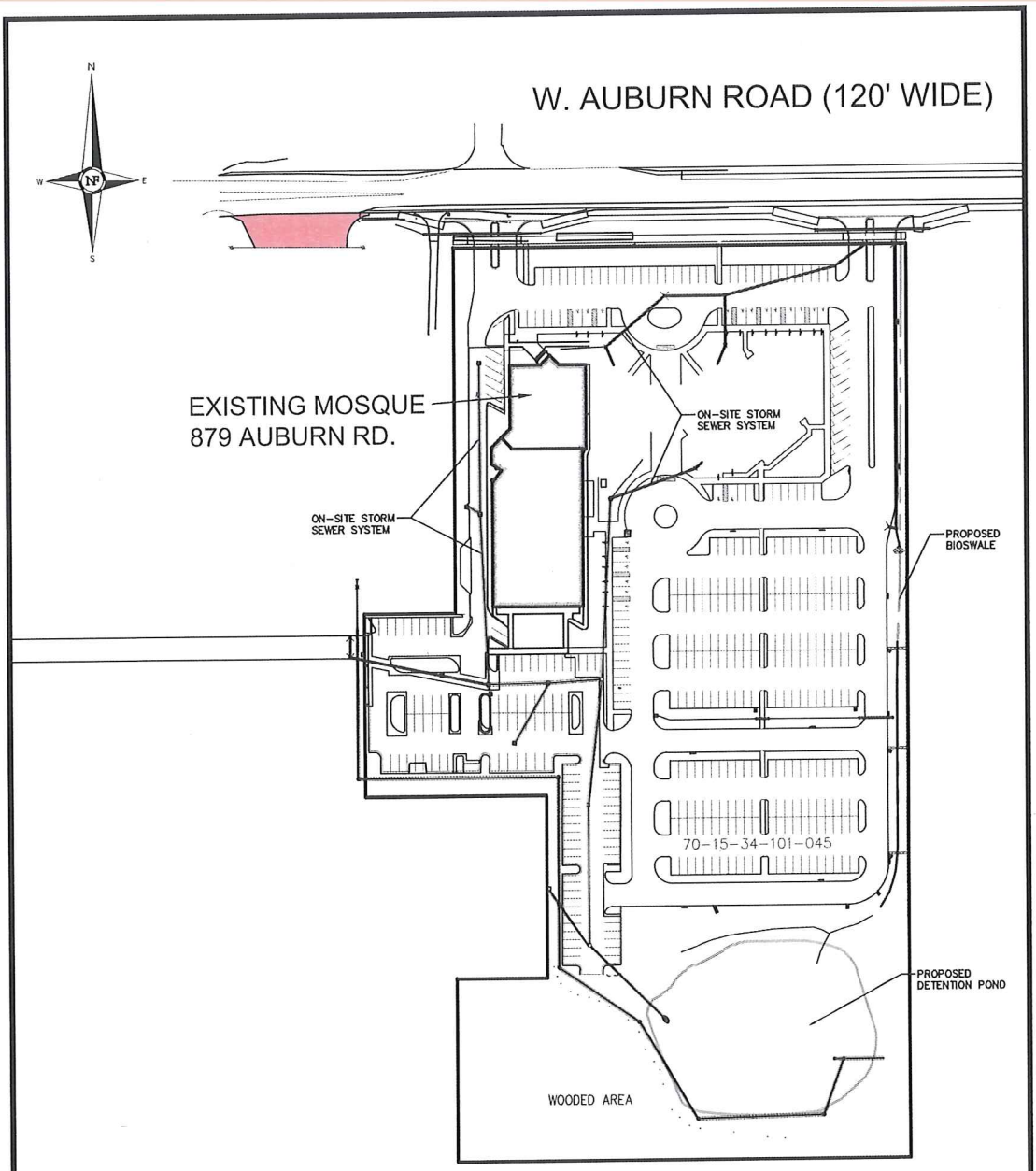
STATE OF MICHIGAN
PATRICK J. WILLIAMS
ENGINEER NO. 44351
LICENSED PROFESSIONAL ENGINEER

DATE	DRAWN	JOB NO.	SHEET
07-19-2016	AJE	G951	2 of 2

EXHIBIT B

819 & 879 AUBURN ROAD, ROCHESTER HILLS, MI 48307-4901



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PATRICK J. WILLIAMS
ENGINEER NO. 44351
LICENSED PROFESSIONAL ENGINEER

150 75 0 75 150 225

SCALE: 1" = 150'

DATE	DRAWN	JOB NO.	SHEET
07-20-2016	AJE	G951	1 of 1

EXHIBIT C

819 & 879 AUBURN ROAD, ROCHESTER HILLS, MI 48307-4901

STORMWATER MANAGEMENT SYSTEM - PERMANENT MAINTENANCE

DATE/TIME OF INSPECTION: _____

INSPECTOR: _____

STORMWATER MANAGEMENT SYSTEM
MAINTENANCE TASKS AND SCHEDULE

POST CONSTRUCTION

MAINTENANCE ACTIVITIES	SYSTEM COMPONENTS: Catch Basins, Inlets, Manholes, and Outlet Control Structures	Storm Sewer & Detention Pond	Rip Rap	Bioswale Plantings	Buffer Strip	FREQUENCY	COMMENTS
MONITORING/INSPECTION							
Inspect for Sediment Accumulation	X	X	X	X	X	Annually	
Inspect for Floatables, dead vegetation, and debris	X	X	X	X	X	Annually	
Inspect for erosion			X	X	X	Annually	
Inspect all components during wet weather and compare to as-built plans	X	X				Annually	
Inspect inside of structures and pipes for cracks, spalling, joint failure, settlement, sagging, and misalignment.	X	X				Annually	
Inspect for invasive plant species				X	X	Annually	
PREVENTATIVE MAINTENANCE							
Remove accumulated settlement	X	X	X	X	X	Annually or as needed	
Remove floatables, dead vegetation and debris	X	X	X	X	X	Annually or as needed	
Professional application of herbicide for invasive species that may be present				X	X	Annually or as needed	
REMIDAL ACTIONS							
Repair/stabalize areas of erosion			X	X	X	As Needed	
Structural Repairs	X	X				As Needed	
Make adjustments/repairs to ensure proper functioning	X	X	X	X		As Needed	

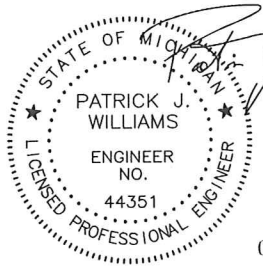
SUMMARY:

INSPECTOR REMARKS: _____

OVERALL CONDITION OF FACILITY: _____

RECOMMENDED ACTIONS NEEDED: _____

DATES ANY MAINTENANCE MUST BE COMPLETED BY: _____



NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257

SCALE: None

DATE	DRAWN	JOB NO.	SHEET
07-20-2016	AJE	G951	1 of 1

EXHIBIT 'C'

OPERATIONS AND MAINTENANCE MANUAL

I.A.G.D.

STORMWATER MAINTENANCE PLAN

ROCHESTER HILLS, MICHIGAN

PROPERTY OWNER:

I.A.G.D. FOUNDATION
P.O. BOX 70717
ROCHESTER HILLS, MI 48307

Phone: (248) 686-2284

Contact: Asad Malik

Prepared by:

Nowak and Fraus Engineers, PLLC
46777 Woodward Ave.
Pontiac, Michigan 48342
Phone: (248) 332-7931
Contact: Patrick Williams, P.E.

July 20, 2016

OPERATION AND MAINTENANCE MANUAL

INTRODUCTION:

This manual identifies the ownership, operation and maintenance responsibilities for all storm water management systems including the underground detention system, underground storm sewer system, outlet control structures, mechanical pre-treatment devices 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) 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:

Asad Malik
I.A.G.D. Foundation
P.O. Box 70717
Rochester Hills, Michigan, 48307
Phone: (248) 686-2284

PROPOERTY INFORMATION:

This Operations and Maintenance Manual covers the storm water systems located at the following subject property:

PART OF THE NORTHWEST 1/4 OF SECTION 34, T3N-R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN; DESCRIBED AS PART OF SUPERVISOR'S PLAT NO. 5, A RECORDED PLAT, IN LIBER 6 PAGE 53, OAKLAND COUNTY RECORDS, BEING THE EAST 500 FEET OF LOTS 9 AND 10, ALSO THE EAST 200 FEET OF LOTS 13 AND 14 AND ALL OF LOTS 23 THROUGH 27 OF SAID PLAT.

All together described as: Beginning at the Northwest Corner of Lot 23 of said plat; thence East along the North line of said Lots 23, 24, 25, 26, and 27 of Supervisor's Plat No. 5 a distance of 500.41 feet (previously recorded 500.00 feet) to the Northeast Corner of said Lot 27; thence S00°03'41"W along the East line of Lot 27 a distance of 799.89 feet (previously recorded as 800.00 feet) to the Southeast corner of said Lot 27; thence S00°03'46" 199.65 feet (previously recorded S00°00'54"W 200.00 feet) along the East line of Lots 9 and 10 of said Supervisor's Plat No. 5 to the Southeast corner of Lot 9; thence S89°58'07"W (previously recorded as West) along the South line of said Lot 9 a distance of 500.35 feet (previously recorded as 500.00 feet); thence leaving said South line of Lot 9 N00°02'58"E 199.94 feet (previously recorded as N00°00'54"E 200.00 feet) to a point on the North line of said Lot 10 of Supervisor's Plat No. 5; thence N89°58'03"E (previously recorded East) along the North Line of Lot 10 a distance of 100.00 feet to the Southwest corner of said Lot 24; thence N00°04'56"E (previously recorded N00°00'54"E) along the West line of said Lot 24 a distance of 200.00 feet to the Southeast corner of said Lot 13; thence S89°59'05"W (previously recorded West) along the South line of said Lot 13 a distance of 200.00 feet; thence leaving said South line of Lot 13 N00°01'26"E 200.24 feet (previously recorded N00°00'54"E 200.00 feet) to a point on the North line of Lot 14 of said Supervisor's Plat No. 5, said point being the Southwest corner of Lot 22 of said plat; thence S89°56'59"E 100.10 feet (previously recorded

East 100.00 feet) along the North line of Lot 14 to the Southwest corner of Lot 23; thence N00°00'39"W 399.71 feet (previously recorded N00°00'54"E 400.00 feet) along the West line of Lot 23 to the Point of Beginning. Containing 11.48 acres of land more or less and being subject to any easements, right of ways, or restrictions recorded.

PARCEL IDS# 70-15-34-101-045

70-15-34-101-009 (LOT 25)

70-15-34-101-010 (LOT 26)

70-15-34-101-011 (LOT 27)

STORMWATER MAINTENANCE EXHIBIT:

Exhibit 'B' of the Storm Water Maintenance Agreement is the Storm Water System 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
- Storm water Detention Pond
- Storm Sewer Structures (manholes, inlets, catch basins, etc.)
- Outlet Control Structures
- Bioswales

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 inspections 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 definition system, outlet control structures and pre-treatment devices 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 SYSTEMS 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 mosquitos or reduced property values due to a degraded facility appearance.

Most of the 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 cannot 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.

The maintenance responsibilities for these systems lie with the current property owner and transfer with the property in perpetuity. If maintenance of the system is not performed, the City of Rochester Hills reserves the right to enter property and perform all necessary work at the property owners' cost. Refer to the *Agreement for Storm Water Systems Maintenance* for additional details.

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. Requirements for grass 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, Structures, and Detention Pond:

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 by 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.

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 basins.