

**AMENDMENT TO AGREEMENT FOR  
STORM WATER SYSTEM MAINTENANCE**

This Amendment to Agreement for Storm Water System Maintenance (“Agreement”) is made on June 14<sup>th</sup> 2017, by and between **JUST BURGERS & FRIES HOLDINGS, LLC**, a Michigan limited liability company, whose address is 4564 Oakhurst Ridge Road, Clarkston, Michigan 48348 (“Developer”), and **THE CITY OF ROCHESTER HILLS**, a municipal corporation, whose address is 1000 Rochester Hills Drive, Rochester Hills, MI 48309 (the “City”).

WHEREAS, on November 8, 2016, Developer entered into with the City of Rochester Hills, MI, an Agreement for Storm Water System Maintenance, as recorded by the Oakland County Register of Deeds on March 21, 2017 in Liber 50486, Page 102 (the "Agreement"), specifically pertaining to certain property located in the City of Rochester Hills, Oakland County, Michigan, as more particularly described as Exhibit A attached hereto; and

WHEREAS, subsequent to the Agreement, Developer has elected to retain a different manufacturer for the storm water pre-treatment station as a result of economic business reasons, it is now necessary to amend the Agreement to reflect the change in manufacturer and the location of the pre-treatment and outlet control structures; and

THEREFORE, the parties agree to and by this document do hereby amend the existing Agreement so that the previous Exhibit B and Exhibit C attached to and included as part of the originally recorded Agreement is hereby superseded and replaced with the revised Exhibit B and Exhibit C attached hereto and the original Exhibit B and Exhibit C shall be of no further force or effect.

**[THE REST OF THIS PAGE IS INTENTIONALLY BLANK. SIGNATURES TO FOLLOW.]**



STATE OF MICHIGAN )  
 )  
OAKLAND COUNTY )

Acknowledged before me in Oakland County, Michigan on June \_\_\_\_, 2017 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.

/s/ \_\_\_\_\_

Notary public, State of Michigan, County of \_\_\_\_\_.  
My commission expires \_\_\_\_\_.  
Acting in the County of \_\_\_\_\_.

**Drafted by:**

**Rachel H. Tucker, Esq., 30665 Northwestern Hwy., Ste. 200, Farmington Hills, Michigan 48334. DRAFTER MAKES NO EXPRESS OR IMPLIED WARRANTIES REGARDING THE ACCURACY, ADEQUACY, OR COMPLETENESS OF THE LEGAL DESCRIPTION HEREIN.**

When recorded, return to:  
Clerks Dept.  
City of Rochester Hills  
1000 Rochester Hills Dr.  
Rochester Hills, MI 48309

John Staran  
Approved 6/20/17

**EXHIBIT A**

**TO AGREEMENT FOR STORM WATER SYSTEM MAINTENANCE**

Legal description of the Property

Land situated in the City of Rochester Hills, County of Oakland, and State of Michigan, described as:

A part of the Northwest  $\frac{1}{4}$  of Section 35, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, being more particularly described as commencing at the Northwest corner of said Section 35, thence North 87 degrees 47 minutes 36 seconds East 378.42 feet along the North line of said Section 35 and following Auburn Road to the point of beginning, thence continuing North 87 degrees 47 minutes 36 seconds East 128.19 feet along said North line and following said Auburn Road; thence south 02 degrees 12 minutes 24 seconds East 33.00 feet; thence along a curve to the right 62.83 feet, said curve having a radius of 40.00 feet, a central angle of 90 degrees 00 minutes 00 seconds and a long chord bearing of South 47 degrees 12 minutes 24 seconds East 56.57 feet; thence South 02 degrees 12 minutes 24 seconds East 126.00 feet; thence along a curve to the right 271.63 feet, said curve having a radius of 186.00 feet, a central angle of 83 degrees 40 minutes 27 seconds and a long chord bearing of South 39 degrees 37 minutes 49 seconds West 248.13 feet; thence North 02 degrees 36 minutes 28 seconds West 383.88 feet to the point of beginning. Containing 1.2 acres (gross) or 1.08 acres (net) excluding the Northerly 60 feet for the Auburn Road right of Way.

Tax ID Number-70-15-35-100-055

OK ADS  
6/19/17



## Exhibit "C"

### Operations Stormwater Drainage and Maintenance Plan

#### Culvers of Rochester Hills

#### Rochester Hills, MI

This long term maintenance operations and maintenance plan (O&M) shall use BMP's (Best Management Practices) to ensure that the stormwater management system performs and functions as designed. The stormwater management system is an effective way to enhance the water quality of the stormwater by effectively removing the sediment and pollutants from stormwater runoff. This will help ensure that we save our environment and help protect the valuable land and water resources. This O&M will outline the ownership/facility, underground detention system location, inspection and maintenance checklists, manufacturers O&M manuals. It will also outline the components of:

- System inspections.
- Removal of trash and litter debris from the site, including roadways/parking lot areas, drive thru, service/dumpster areas, and landscape beds.
- Removal of dirt and sediment in swales, catch basins, water quality units, and sewer pipes.
- Grass mowing and vegetated area maintenance.

#### Ownership/Facility Manager Contact Information:

Andrew Zielke  
Just Burgers & Fries, LLC  
92 E. Auburn Rd.  
Rochester Hills MI 48307

#### Stormwater Site Plan:

The Developer has proposed as shown in **Exhibit "B"** of the Stormwater Maintenance Agreement plan, a detailed drawing showing the location of the storm water drainage and detention system comprised of storm water detention and water quality treatment facilities and devices, storm sewer pipe, catch basins, manholes, end-sections, ditches, swales, open water courses and rip-rap (the "System") for the Property as described and depicted in the Storm Water System Plan attached as "**Exhibit B**". Stormwater runoff is collected in the parking lot catch basins and water is conveyed by a systems of underground pipes to a water quality unit. The water quality unit provides treatment to the water by removing sediment, pollutants, and floating contaminants prior to reaching the underground storage system. Maintenance and inspections of the system will help assure adequate performance. The structures and sewers shall also be observed during large rain events to ensure proper operation of the system.

#### Stormwater System Inspections:

Attached in **Exhibit "C"** is a inspection and maintenance plan outline for stormwater management structures. The outline of the schedule will give the frequency and descriptions of areas to inspect and maintain in order to ensure the system is functioning as designed. This maintain checklist shall be performed by personnel that is responsible for the maintenance of the system and may need to be certified for the entry of a confined space.

The inspections shall be recorded and maintained by the owner for a minimum of ten (10) years and copies shall be provided to the City of Rochester Hills Engineering Department.

#### Trash and Litter:

The inspection for trash and litter on the property shall be a regular routine. Proper disposal of items shall meet all State and Federal regulations. Parking lot sweeping shall also be performed to help provide a more overall attractive appearance to the outside of the building. Parking lot curb gutters shall also be maintained and kept free of dirt and sediment. A periodic inspection of landscape beds for debris shall be performed as needed. Plants, shrubs and trees shall also be inspected for healthy growth.

#### Stormwater System Management Maintenance:

Attached in the exhibits is a operations and maintenance manuals for the stormwater system. This give a introduction, operation, and maintenance of the overall system. Refer to manuals for overview of the maintenance requirements of the different components to the stormwater system. An inspection and maintenance plan is attached for areas to inspect, inspection timeline schedule, and corrective actions if needed.

## INSPECTION AND MAINTENANCE PLAN FOR STORMWATER MANAGEMENT STRUCTURES (BMPS)

Tasks	Street	Storm Sewer System	Catch Basins & Manholes	Catch Basin Inlets	Outlet Control Structures	Detention Chambers	Vegetated Areas	Roadways & Parking Areas
Inspect for Sediment Accumulation	Weekly	Annually	Annually	Annually	Annually	Annually	Weekly	Annually
Removal of Sediment Accumulation	Weekly or as needed	Annually or as needed	Annually or as needed	Annually or as needed	Annually or as needed	Annually or as needed	As Needed	Annually or as needed
Inspect and Cleaning for Floatables and Debris	Weekly	Annually	Annually	Annually	Annually	Annually	As Needed	As Needed
Inspection for Erosion							Annually	
Wet Weather Inspection	As Needed, After & During Large Rain Events	As Needed, After & During Large Rain Events	As Needed, After & During Large Rain Events	As Needed, After & During Large Rain Events	As Needed, After & During Large Rain Events	As Needed, After & During Large Rain Events	As Needed, After & During Large Rain Events	As Needed, After & During Large Rain Events
Inspect inside of structure, Pipes for Cracks, Pipe Joints, Settlement or Failure	Annually	Annually	Annually	Annually	Annually	Annually		Annually

Inspection  
Comments:

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Corrective Action Plan:

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Completed

By:

Date:

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*Kennedy Solutions, Inc.*

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*Specializing in Storm Water Management and NPDES Phase II BMP's*

KSI  
STORM WATER TREATMENT CHAMBER

OPERATIONS  
AND  
MAINTENANCE  
INFORMATION



## KSI Storm Water Treatment Chamber

### ***Introduction***

The KSI unit is an important and effective component of your storm sewer system and proper operation and maintenance is vital to its compliance with pollution control requirements.

The KSI unit is capable of capturing a wide range of organic and in-organic solids and pollutants.

### ***Operations***

The KSI unit is a non-mechanical self-operating system and will function any time there is flow in the sewer system.

### ***Inspection***

Access to the unit is achieved through two manhole access covers; they allow for the inspection and clean out of each zone of the unit. The unit should be periodically inspected to determine the amount of accumulated pollutants and to ensure that the cleanout frequency is adequate to handle the predicted pollutant load being processed by the unit.

New installations shall be inspected once a month for the first three months, then semi or annually thereafter or as conditions warrant. The visual inspection should ascertain that the unit is functioning properly and to measure the amount of solids that have accumulated in both zones. This can be done with a calibrated dipstick. This information should be recorded in a log and kept.

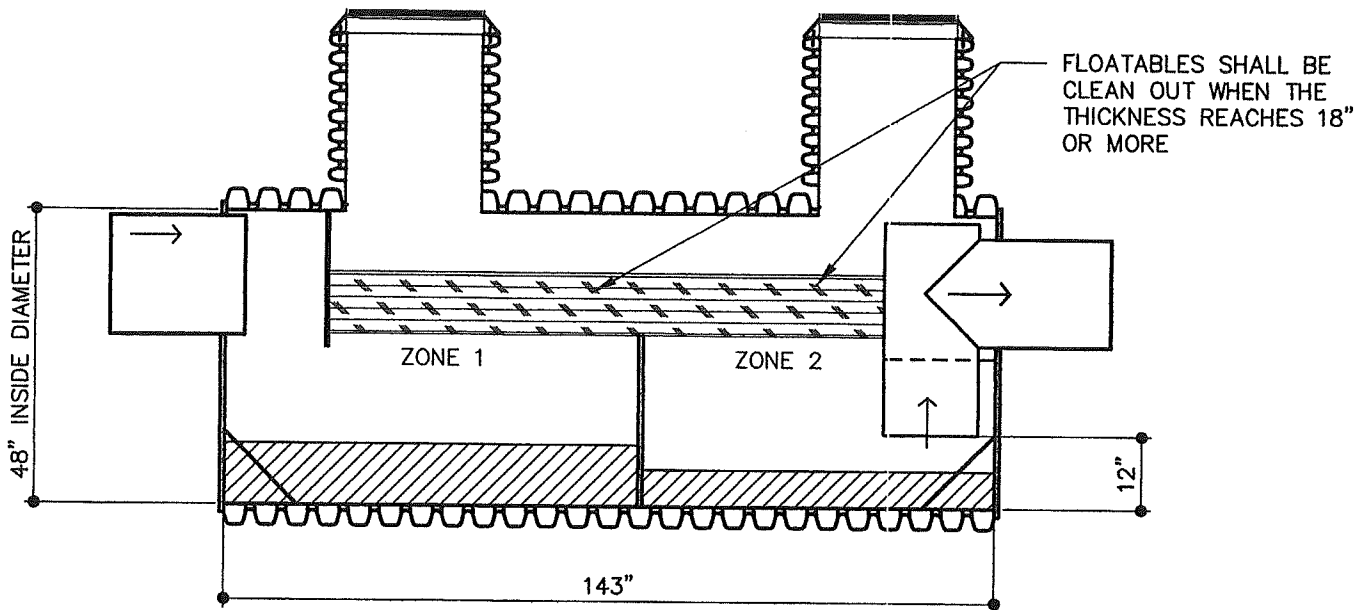
### ***Clean Out & Maintenance***

The frequency of cleaning the unit will depend upon the environment it was installed in. Cleanouts and preventative maintenance schedules will be determined based on operating experience unless precise pollutant loadings have been determined.

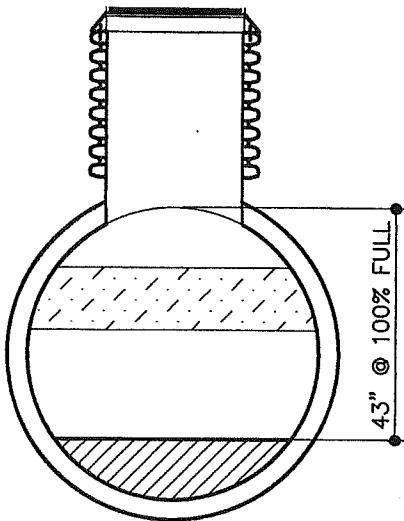
A vactor truck is recommended for cleanout of the unit. Disposal of material from the unit should be in accordance with the local municipality's requirements.

# MAINTENANCE DIAGRAM

KSI 750 SWTC



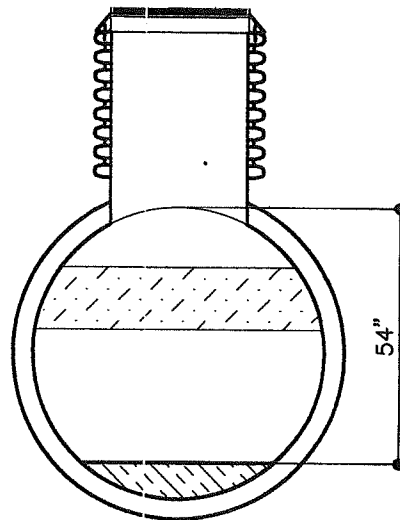
## PROFILE NO SCALE



## END VIEW ZONE 1

NO SCALE

ZONE 1 IS 100% FULL AT 42" FROM CROWN OF 48" DIA. CHAMBER.  
 ZONE 1 IS 50% FULL AT 44" FROM CROWN OF 48" DIA. CHAMBER.  
 ZONE 1 IS 25% FULL AT 46" FROM CROWN OF 48" CHAMBER.

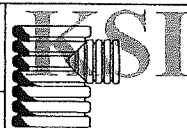


## END VIEW ZONE 2

NO SCALE

ZONE 2 IS 100% FULL AT 45" FROM CROWN OF 48" DIA. CHAMBER.  
 ZONE 2 IS 50% FULL AT 46" FROM CROWN OF 48" DIA. CHAMBER.  
 ZONE 2 IS 25% FULL AT 47" FROM CROWN OF 48" CHAMBER.

DESIGN BY: AG / RK	DATE: 10-10-10	1 OF 1
MANUF. APPROVAL BY: .	SCALE: NTS	SHEET NO.
DRAWING NO. 750 SWTC MAINTENANCEv1		



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