

APPENDIX G

AGREEMENTS, CC&Rs, OPERATION,
MAINTENANCE REQUIREMENTS,
WAL-MART LETTERS TO LOS
ANGELES WATER BOARD COVENANT



WAL-MART STORES, INC. * 2001 S. E. 10th Street. * BENTONVILLE, AR 72716 - 0550 * 479-204-8659

October 24, 2007

Dr. Xavier Swamikannu
Chief, Storm Water Permitting
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th St., Suite 200
Los Angeles, CA 90013

SAM'S CLUB AT EL MONTE STANDARD URBAN STORMWATER MITIGATION PLAN (WDID 419C349133, GENERAL CONSTRUCTION ACTIVITY STORMWATER PERMIT, STATE BOARD ORDER 99-08-DWQ)

Herewith is the Standard Urban Stormwater Mitigation Plan (SUSMP) for Sam's Club located 4901 Santa Anita Ave., El Monte, CA 91731. This SUSMP was prepared for Sam's Real Estate Business Trust by Adams Engineering (5876 Owens Avenue, Suite 200 Carlsbad, CA 92008).

This SUSMP is intended to comply with the requirements of the City of El Monte Municipal Code, Chapter 13.20.150 – Post-Construction Pollution Reduction, the General Construction Activity Stormwater Permit (GCASP) State Board Order 99-08-DWQ (Sam's Club, El Monte WDID 419C349133) and the Los Angeles County Municipal Stormwater Permit, Regional Board Order 01-182. All these include the requirements for the preparation and implementation of a project-specific SUSMP.

The undersigned, while owning the property/project shall be responsible for the implementation of this SUSMP and will ensure that this SUSMP is amended as appropriate to reflect up-to-date conditions on the site. This SUSMP will be reviewed with the facility operator, facility supervisors, employees, tenants, maintenance and service contractors, or any other party (or parties) having responsibility for implementing portions of this SUSMP. At least one copy of this SUSMP will be maintained at the project site or project office in perpetuity.

The undersigned is authorized to certify and to approve implementation of this SUSMP. The undersigned is aware that implementation of this SUSMP is enforceable under the City of El Monte municipal ordinances, state GCASP and L.A. County MS4 Permit.

If the undersigned transfers its interest in the subject property/project, its successor in interest the undersigned shall notify the successor in interest of its responsibility to implement this SUSMP.

Sincerely,

John E. Clarke
Regional Vice President Design & Real Estate
(Wal-Mart Stores, Inc. duly authorized representative)



**STORM WATER PLANNING PROGRAM
STANDARD URBAN STORM WATER MITIGATION PLAN (SUSMP)**

Form
P1

Project Name: Sam's Club Store #6614-01
 Project Location: 4901 Santa Anita Ave., El Monte, CA
 Company Name: Wal-Mart Stores, Inc.
 Address: 2001 SE 10th St., Bentonville, AR 72716
 Contact Name / Title: Kelly Collier - Sr. Design Mgr.
 Contact Phone / FAX: (479) 273-8015

**General Project
Certification**

A original, completed copy of this form must accompany all SUSMP submittals

Best Management Practices (BMPs) have been incorporated into the design of this project to accomplish the following goals:

- 1) Minimize impacts from storm water runoff on the biological integrity of Natural Drainage Systems and water bodies in accordance with requirements under CEQA (Cal. Pub. Resources Code § 21100), CWC § 13369, CWA § 319, CWA § 402(p), CWA § 404, CZARA § 6217(g), ESA § 7, and local government ordinances.
- 2) Maximize the percentage of permeable surfaces to allow more percolation of storm water into the ground.
- 3) Minimize the amount of storm water directed to impermeable surfaces and to the MS4.
- 4) Minimize pollution emanating from parking lots through the use of appropriate Treatment Control BMPs and good housekeeping practices.
- 5) Properly design and maintain Treatment Control BMPs in a manner that does not promote breeding of vectors.
- 6) Provide for appropriate permanent measures to reduce storm water pollutant loads in stormwater from the development site.

I certify that this Standard Urban Storm Water Mitigation Plan and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. The information contained herein is, to the best of my knowledge and belief, true, accurate and complete.

Mark S. Goldsmith MARK S. GOLDSMITH, CPESC DIRECTOR STORM WATER 10-24-07
 Property Owner / Developer (signature) Property Owner / Developer (printed) Title COMPLIANCE Date

Post Construction / Maintenance Certification

Proper operation of Best Management Practices (BMPs) is an important component of reducing pollutants in urban and storm water runoff. As the responsible party, I certify that the BMPs will be implemented, monitored and maintained to ensure their continued effectiveness. In the event of a property transfer, the new owner will be notified of the BMPs in use at this site.

Mark S. Goldsmith MARK S. GOLDSMITH, CPESC DIRECTOR STORM WATER 10-24-07
 Property Owner (signature) Property Owner (printed) Title COMPLIANCE Date

Signatory requirements:
 This section shall be signed by the landowner. If the landowner is not an individual, the signatures may be from a corporate officer, a manager if the authority to sign has been delegated to the manager, a general partner, or a sole proprietor.

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

CITY OF EL MONTE
PUBLIC WORKS ENGINEERING DEPARTMENT
11333 VALLEY BOULEVARD
EL MONTE, CA 91731

COPY of Document Recorded

on 10-31-2007 as No. 2007-2455448

has not been compared with original.

County Recorder
LOS ANGELES COUNTY , CALIFORNIA

103107

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAINTENANCE COVENANT FOR STANDARD URBAN STORMWATER MITIGATION (SUSMP)

REQUIREMENTS

Pursuant to Title 13, Chapter 13.20 of the El Monte Municipal Code relating to the control of pollutants carried by stormwater runoff, and El Monte Public Works Engineering Requirements, Attachment A, structural and/or treatment control Best Management Practices (BMP's) have been installed on the following property:

LEGAL DESCRIPTION

ASSESSOR'S ID # 8538-001-014; 8538-001-015, 8538-001-013; TRACT NO. _____ LOT NO. See Legal Description attached.

ADDRESS: 4901 N. Santa Anita Boulevard, El Monte, California.

Sam's Real Estate Business Trust ("Sam's"), a Delaware statutory trust, hereby certifies that it is the Lessee of the above-referenced property, pursuant to that certain Lease, a memorandum of which is recorded as document number 2007 0994528 in the official records of the County of Los Angeles. Pursuant to the Lease, Lessee may occupy the Property for a period of seventy years beginning October 5, 2005, and may assign the Lease without the consent of the property owner. For the mutual benefit of Sam's and the property owner, Sam's does hereby fix the following protective conditions to which the property, or portions thereof, shall be required to comply:

Throughout the term of the Lease, Sam's shall maintain the drainage devices such as paved swales, bench drains, inlets, catch basins, downdrains, pipes, and water quality devices on the property indicated above and as show on plans permitted by the El Monte Public Works Engineering Department, in a good and functional condition to safeguard the property owners and adjoining properties from damage and pollution.

Sam's shall conduct maintenance inspection of all Structural or Treatment Control BMP's on the property at least once a year and retain proof of the inspection. Said maintenance inspection shall verify the legibility of all required stencils and signs and shall repaint and label as necessary.

Sam's shall provide printed educational materials with any transfer of the Lease which provide information on what stormwater management facilities are present, the type(s) and location(s) of maintenance signs that are required, and how the necessary maintenance can be performed.

SAM'S:

By: [Signature]
Its: REGIONAL V. PRES.

Date: 10-23-07

This document was filed for recording by STEWART TITLE CO. as an accommodation only. It has not been examined as to its execution or as to its effect upon the title or its recordability.

By: Lynthia C. Bradley
Its: ASSISTANT SECRETARY

Date: 10-23-07

[Signature]

Approved as to legal terms only
by [Signature]
WALMART LEGAL DEPT.
Date: 10-23-07

[If the notarial certificate is attached as a separate document, or appears on a separate page within the document, add the following wording to the top of the certificate:]

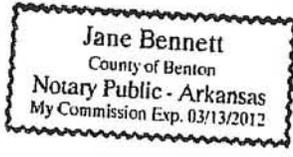
This certificate is attached to a page document entitled MAINTENANCE COVENANT FOR STANDARD URBAN STORMWATER MITIGATION (SUSMP) and dated October 23, 2007.

STATE OF Arkansas)
COUNTY OF Benton)

On October 23, 2007, before me, Jane Bennett, a Notary Public in and for said County and State, personally appeared John E. Clark, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument. x

WITNESS my hand and official seal.

Jane Bennett
Notary Public



[If the notarial certificate is attached as a separate document, or appears on a separate page within the document, add the following wording to the top of the certificate:]

This certificate is attached to a page document entitled MAINTENANCE COVENANT FOR STANDARD URBAN STORMWATER MITIGATION (SUSMP) and dated October 23, 2007.

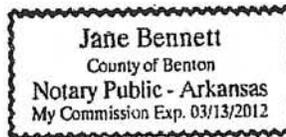
STATE OF Arkansas)

COUNTY OF Benton)

On October 23, 2007, before me, Jane Bennett, a Notary Public in and for said County and State, personally appeared Cynthia C. Bradley, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument. x

WITNESS my hand and official seal.

Jane Bennett
Notary Public



LEGAL DESCRIPTION

THOSE PORTIONS OF LOTS 19 AND 30 OF THE WESTERN TWO-THIRDS OF THE RANCHO SAN FRANCISQUITO, IN THE CITY OF EL MONTE, AS SHOWN ON MAP RECORDED IN BOOK 42 PAGES 93 AND 94 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS A WHOLE AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE WESTERLY LINE OF TYLER AVENUE, (2ND AVE) WITH A LINE WHICH IS PARALLEL WITH AND 25 FEET NORTHERLY OF THE CENTER LINE OF LOWER AZUSA ROAD; THENCE NORTH 83 DEGREES 21 MINUTES 00 SECONDS WEST ALONG SAID LAST MENTIONED LINE, A DISTANCE OF 270.00 FEET; THENCE NORTH 07 DEGREES 00 MINUTES 55 SECONDS EAST PARALLEL WITH THE AFORESAID WESTERLY LINE OF TYLER AVENUE, A DISTANCE OF 240.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE ALONG SAID LAST DESCRIBED LINE, SOUTH 07 DEGREES 00 MINUTES 55 SECONDS WEST 240.00 FEET; THENCE ALONG THE NORTHERLY LINE OF SAID LOWER AZUSA ROAD, 50.00 FEET WIDE, NORTH 83 DEGREES 21 MINUTES 00 SECONDS WEST 547.85 FEET TO THE SOUTHEASTERLY CORNER OF THE LAND DESCRIBED AS PARCEL 531 IN THE FINAL ORDER OF CONDEMNATION ENTERED IN CASE NO. 694701, SUPERIOR COURT, IN THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF LOS ANGELES, A CERTIFIED COPY THEREOF BEING RECORDED ON OCTOBER 1, 1958 IN BOOK D-232 PAGE 931, OFFICIAL RECORDS, AS INSTRUMENT NO. 4435 OF SAID COUNTY; THENCE FOLLOWING THE EASTERLY, NORTHERLY AND NORTHWESTERLY BOUNDARIES OF SAID PARCEL 531, NORTHERLY 15.00 FEET, NORTH 83 DEGREES 30 MINUTES 44 SECONDS WEST 85.11 FEET AND SOUTH 40 DEGREES 32 MINUTES 13 SECONDS WEST 18.10 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL 531; THENCE WESTERLY ALONG THE NORTHERLY LINE OF LOWER AZUSA ROAD, AS SHOWN ON MAP OF TRACT NO. 10817, FILED IN BOOK 187 PAGES 36 AND 37 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TO A LINE HAVING A BEARING OF NORTH 20 DEGREES 27 MINUTES 08 SECONDS EAST THAT PASSES THROUGH A POINT IN THE CENTER LINE OF SAID LOWER AZUSA ROAD, 50 FEET WIDE, DISTANT THEREON NORTH 83 DEGREES 30 MINUTES 44 SECONDS WEST 1250.11 FEET FROM THE CENTER LINE OF SAID TYLER AVENUE 30 FEET WIDE, AS SAID CENTER LINES ARE SHOWN ON SAID MAP OF TRACT NO. 10817; THENCE ALONG SAID LINE NORTH 20 DEGREES 27 MINUTES 08 SECONDS EAST TO A POINT DISTANT THEREON 147.71 FEET FROM SAID POINT IN THE CENTER LINE OF LOWER AZUSA ROAD; THENCE NORTH 38 DEGREES 14 MINUTES 24 SECONDS EAST 369.34 FEET; THENCE NORTH 43 DEGREES 56 MINUTES 29 SECONDS EAST 198.19 FEET; THENCE NORTH 48 DEGREES 33 MINUTES 19 SECONDS EAST 194.73 FEET; THENCE NORTH 54 DEGREES 14 MINUTES 12 SECONDS EAST 218.84 FEET; THENCE NORTH 87 DEGREES 18 MINUTES 33 SECONDS EAST 150.38 FEET TO A POINT IN THE CENTER LINE OF THAT CERTAIN 100 FOOT WIDE STRIP OF LAND DESCRIBED IN EASEMENT DEED TO CITY OF EL MONTE, RECORDED IN BOOK D-1279 PAGE 33 OF SAID OFFICIAL RECORDS, DISTANT NORTH 32 DEGREES 27 MINUTES 24 SECONDS WEST 362.80 FEET ALONG SAID CENTER LINE FROM THE NORTHWESTERLY TERMINUS OF THAT CERTAIN CURVE DESCRIBED AS HAVING A RADIUS OF 1000.00 FEET AND A LENGTH OF 830.83 FEET IN SAID DEED TO CITY OF EL MONTE; THENCE ALONG SAID LAST MENTIONED CENTER LINE SOUTH 32 DEGREES 27 MINUTES 24 SECONDS EAST TO THE NORTHWESTERLY LINE OF THE LAND DESCRIBED IN DEED RECORDED IN BOOK 21607 PAGE 102, OFFICIAL RECORDS OF SAID COUNTY; THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE, TO AND ALONG THE NORTHWESTERLY LINE OF THE LAND DESCRIBED IN DEED RECORDED IN BOOK 11454 PAGE 213 OF SAID OFFICIAL RECORDS, TO THE SOUTHWESTERLY LINE OF DOUBLE DRIVE, AS DESCRIBED IN DEED RECORDED IN BOOK D-505 PAGE 930 OF SAID OFFICIAL RECORDS; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE TO A LINE PARALLEL WITH THE NORTHERLY LINE OF SAID LOWER AZUSA ROAD, 50 FEET WIDE, THAT PASSES THROUGH THE TRUE POINT OF BEGINNING; THENCE ALONG SAID LAST MENTIONED PARALLEL LINE, NORTH 83 DEGREES 21 MINUTES 00 SECONDS WEST 217.74 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT FROM THAT PORTION OF SAID LAND LYING WITHIN THE BOUNDS OF PARCEL 232 AS DESCRIBED IN FINAL ORDER OF CONDEMNATION ENTERED BY THE SUPERIOR COURT OF LOS ANGELES COUNTY IN CASE NO. 599406, A CERTIFIED COPY OF WHICH ORDER HAVING BEEN RECORDED IN BOOK 42807 PAGE 98, OFFICIAL RECORDS, A ONE-HALF INTEREST IN AND TO ALL OIL AND GAS IN AND UNDER SAID LAND, AS RESERVED BY E. CLYDE HARVEY, ET AL., IN DEED RECORDED ON MARCH 20, 1931, IN BOOK 10761 PAGE 110, OFFICIAL RECORDS.

BY QUITCLAIM DEEDS RECORDED NOVEMBER 25, 1969, AS INSTRUMENT NOS. 755 AND 756, THE INTEREST SO EXCEPTED AND RESERVED WAS RELEASED AND SURRENDERED AS TO THE RIGHT TO ENTER UPON THE SURFACE OF SAID LAND AND INTO THE SUBSURFACE TO A DEPTH OF 500 FEET FROM THE PRESENT SURFACE THEREOF.

ALSO EXCEPT FROM SAID PORTION, AN UNDIVIDED ONE-HALF INTEREST IN ALL OIL AND GAS WHICH CAN BE EXTRACTED OR REMOVED FROM SAID LAND BY DIRECTIONALLY DRILLING AND WITHOUT ENTERING UPON THE SURFACE OF SAID LAND, AS RESERVED BY ELIZABETH CLEMINSON, IN FINAL ORDER OF CONDEMNATION ENTERED SEPTEMBER 17, 1953, BY THE SUPERIOR COURT OF LOS ANGELES COUNTY IN CASE NO. 599406, A CERTIFIED COPY OF WHICH ORDER WAS RECORDED SEPTEMBER 29, 1953 IN BOOK 42807 PAGE 98, OFFICIAL RECORDS, AS INSTRUMENT NO. 3381.

End of Legal Description

x



STORM WATER PLANNING PROGRAM PRIORITY PROJECT CHECKLIST



Project Name Sam's Club Store #6614-01	Owner Name Wal-Mart Stores, Inc.	Developer Name Wal-Mart Stores, Inc.
Project Address 4901 Santa Anita	Owner Address 2001 Southeast 10th Street	Developer Address 2001 Southeast 10th St.
El Monte, CA 91731	Bentonville, AR 72716-0550	Bentonville, AR 72716-0550
Check/Tract Number 8538-001-013; 8538-001-014; 8538-001-015	Owner Phone (479) 273-8015	Developer Phone (479) 273-8015

Part 1 - Type of Project

Does the proposed project fall into one of the following categories?	YES	NO
1) Ten or more unit home, including single and multiple family homes, condos, apartments, etc.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) One acre or more of impervious area of industrial/commercial development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) An automotive service facility.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) A retail gasoline outlet.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) A restaurant.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) A parking lot with either 5,000 sq.ft of impervious surface or with 25 or more parking spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7) A new hillside development or redevelopment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8) Redevelopment* projects.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9) Projected located in or adjacent to or directly discharging to an ESA** AND creates 2,500 sq.ft or more of impervious surface area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If any of the boxes in Part 1 is checked "YES", this project will require the preparation of a Standard Urban Mitigation Plan (SUSMP)

Part 2 - Project Specific Concerns

Does the proposed project include any of the following categories?	YES	NO
1) Vehicle or equipment fueling areas (retail or private).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Vehicle or equipment maintenance areas, including repair or washing.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Commercial or industrial waste handling or storage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Outdoor handling or storage of hazardous materials.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Outdoor manufacturing areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) Outdoor food handling or processing.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) Outdoor animal care, confinement, or slaughter.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8) Outdoor horticulture activities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If any of the boxes in Part 1 is checked "YES", this project will require the preparation of a Standard Urban Mitigation Plan (SUSMP)

** Redevelopment means land-disturbing activity that results in the creation, addition, or replacement of 5,000 sq.ft. or more of impervious surface area on an already developed site. Redevelopment includes, but is limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain the original line and grade, hydraulic capacity, or original purpose of the facility, nor does it include modifications to existing single family structures, or emergency construction activities required to immediately protect public health and safety.

*** ESA - Environmental Sensitive Area, means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities or developments.

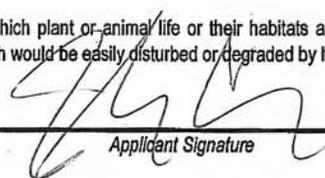
Sam's Club

Applicant Name

Applicant Title

Applicant Signature

Date


 10-23-07

CRT

H:\Documents\NPDES\2002\Forms\Form PC Plan Checklist

Approved as to legal terms only

by George Basso
WAL-MART LEGAL DEPT.

Date: 10-23-07

Project Name and Address: Sam's Club Store #6614-01 4901 Santa Anita Ave., El Monte, CA 91731		Date: 2/27/07
Redevelopment/Planning BMP'S		
BMP Name	BMP Identification No. and Name	Check if to be Used
Car Wash Facility	SC3, Vehicle and Equipment Washing and Steam Cleaning	
Constructed Wetlands	TC3, Constructed Wetlands	
Control of Impervious Runoff	Not applicable	X
Efficient Irrigation	Not applicable	X
Energy Dissipaters	BSC40, Outlet Protection	X
Extended Detention Basins	TC5, Extended Detention Basin	
Infiltration Basins	TC1, Infiltration	X
Infiltration Trenches	TC1, Infiltration	
Inlet Trash Racks	Not applicable	X
Landscape Design	ESC2, Preservation of Existing Vegetation; ECS10, Seeding and Planting; ESC11, Mulching	X
Linings for Urban Runoff Conveyance Channels	Not applicable	
Materials Management	SC5, Outdoor Loading/Unloading of Materials; SC6, Outdoor Container Storage of Liquids; SC8, Outdoor Storage of Raw Materials, Products, and By-Products	X
Media Filtration	TC6, Media Filtration	
Motor Fuel Concrete Dispensing Areas	SC2, Vehicle and Equipment Fueling	X
Motor Fuel Dispensing Area Canopy	SC2, Vehicle and Equipment Fueling	X
Oil/Water Separators and Water Quality Inlets	TC7, Oil/Water Separators and Water Quality Inlets	X
Outdoor storage	SC6, Outdoor Container Storage of Liquids; SC8, Outdoor Storage of Raw Materials, Products, and By-Products	X
Porous Pavement and Alternative Surfaces	TC1, Infiltration	
Protect Slopes and Channels	ECS40, Outlet Protection; ESC42, Slope Roughening and Terracing	
Self-Contained Areas for Vehicle or Equipment Washing, Steam Cleaning, Maintenance, Repair, or Material Processing	SC3, Vehicle and Equipment Washing and Steam Cleaning; SC4, Vehicle and Equipment Maintenance and Repair; SC7, Outdoor Process Equipment operations and Maintenance	
Storm Drain System Stenciling and Signage	SC30, Storm Drain System Signs	X
Trash Container Areas	SC9, Waste Handling and Disposal	X
Vegetated Swales and Strips	TC4, Bio-filters	X
Wet Pond	TC2, Wet Pond	