



## Resolution 2013-14

### PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POLICE POWERS UNDER WISCONSIN STATE STATUTE SECTION 66.0703 FOR COMPLETION OF MEADOW BREEZE LANE

**WHEREAS**, the Town approved a Development Agreement with Robert C. and Gale C. Clapper ("the Clappers" or "Subdivider") on or about December 6, 2005; and

**WHEREAS**, the Clappers failed to install and maintain Meadow Breeze Lane as required by the Development Agreement; and

**WHEREAS**, the Development Agreement provided for remedies in the event of Subdivider default, including the special assessment of the lots (tax parcels) for all costs related to the completion of any work required under the Development Agreement ("completion costs"); and

**WHEREAS**, completion costs were defined under the Development Agreement to include, but not be limited to, costs for materials, construction, reasonable legal fees, financing costs, engineering fees, inspection fees and administrative costs; and

**WHEREAS**, the Subdivider is in default and the Town will be obligated to complete the construction, installation and upgrades to Meadow Breeze Lane contained in the Development Agreement in the future; and

**WHEREAS**, the Town desires to apprise the owners of such tax parcels of its intent to special assess for completion costs for the construction and/or reparation of the roadway;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of Supervisors of the Town of Grafton, Ozaukee County, Wisconsin, that:

1. The Town hereby declares its intent to exercise its police powers under Town of Grafton Ordinances Title 2, Chapter 8, to levy special assessment upon the properties in the assessment district described below for special benefits conferred upon the properties by the construction of street improvements,

completion of the roadway and related improvements and expenses ("the improvements").

2. The Town will engage in the following special improvements to the above-referenced road:
  - a. Repair of the Existing Asphalt Binder Course;
  - b. Construction of the Surface Course with Type E-1 Asphaltic Concrete; and
  - c. Construction of the Roadway Shoulders to New Surface Elevation.
3. A special assessment district is to be created consisting of the following Tax Parcel Identification Numbers: 06-079-0001.000, 06-079-0002.000, 06-079-0003.000, 06-079-0004.000, 06-079-0005.000, and 06-079-0006.000. These Tax Parcels abut Meadow Breeze Lane.
4. Special assessments of special benefits will be levied against property in the district payable in two (2) installments.
5. The Town Engineer shall make a report to the Board of Supervisors as to the project and assessments containing all of the following:
  - a. Final plans and specifications.
  - b. An estimate of the entire cost of the proposed work or improvement.
  - c. A schedule of proposed assessments as to each parcel of property to be affected.
  - d. A statement that the property against which the assessments are proposed is benefited.
6. After receiving the report, the Town Clerk shall file a copy in the Clerk's office for public inspection and give notice of a public hearing on the report.
7. The Town Clerk shall properly post and publish this resolution as required under Town of Grafton Ordinance Section 2.8.3.02, and this Resolution shall be recorded on the tax parcels subject to the special assessment.

Adopted this 11<sup>th</sup> day of December, 2013.

Lester A. Bartel, Jr.  
Lester A. Bartel, Jr., Chairman

Attest: Amanda L. Schaefer  
Amanda L. Schaefer, Town Clerk

Posted: December 11<sup>th</sup>, 2013

Published: \_\_\_\_\_, 2013