



**Common Council Chambers**  
8040 S. 6<sup>TH</sup> Street  
Oak Creek, WI 53154  
(414) 766-7000

## COMMON COUNCIL MEETING AGENDA

APRIL 16, 2019

7:00 P.M.

Daniel Bukiewicz - Mayor  
Steven Kurkowski - 1<sup>st</sup> District  
Greg Loreck - 2<sup>nd</sup> District  
Richard Duchniak - 3<sup>rd</sup> District  
Michael Toman - 4<sup>th</sup> District  
Kenneth Gehl - 5<sup>th</sup> District  
Chris Guzikowski - 6<sup>th</sup> District

### The City's Vision

*Oak Creek: A dynamic regional leader, connected to our community, driving the future of the south shore.*

### Swearing-In Ceremony

City Clerk Catherine Roeske will swear in 1<sup>st</sup> District Alderperson Steven Kurkowski, 3<sup>rd</sup> District Alderperson Richard Duchniak, and 5<sup>th</sup> District Alderperson Kenneth Gehl.

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: 4/1/19
4. Election of Common Council President.

### Public Hearings (beginning at 7:00 p.m.)

*Citizen input, comments and suggestions are requested on the specific item(s) identified below. Action by the Council may occur at the same meeting if so included in the agenda.*

5. **Special Assessment:** Consider the City's intention to exercise its power under Section 3.200 of the Municipal Code of the City of Oak Creek to levy special assessments upon abutting property for benefits conferred upon such property on the south side of W. College Avenue from approximately 400 feet east of S. 27<sup>th</sup> Street to approximately 525 feet west of S. 20<sup>th</sup> Street (Project No. 19103) (2<sup>nd</sup> District).
6. **Resolution:** Consider Resolution No. 12052-041619, a Final Resolution authorizing water main and appurtenances in W. College Avenue and levying special assessments against benefited properties and approving preliminary plans (Project No. 19103) (2<sup>nd</sup> District).
7. **Conditional Use:** Consider a request submitted by Frank Giuffre, Star Properties 2, LLC, for a Conditional Use Permit for a proposed contractor's office/shop/yard with outdoor storage and truck parking on the properties 6524 and 6548 S. 13<sup>th</sup> St. (1<sup>st</sup> District).
8. **Ordinance:** Consider Ordinance No. 2933, approving a Conditional Use Permit for a contractor's office / shop / yard with outdoor storage and truck parking on the properties at 6524 and 6548 S. 13<sup>th</sup> St. (1<sup>st</sup> District).

9. **Official Map Amend:** Consider a proposal by the Oak Creek-Franklin Joint School District to amend the Official Map for a portion of Lot 1 of Certified Survey Map No. 8047 (mapped, unimproved future right-of-way affecting the property at 9330 S. Shepard Ave.) (3<sup>rd</sup> District).
10. **Ordinance:** Consider Ordinance No. 2934, amending the Official Map for a portion of Lot 1 of Certified Survey Map No. 8047 (mapped, unimproved future right-of-way affecting the property at 9330 S. Shepard Ave.) (3<sup>rd</sup> District).

## New Business

### MAYOR & COMMON COUNCIL

**\*\*NOTE:** It is anticipated that the Mayor and Common Council President's Aldermanic appointments to various boards and commissions will be on the 5/7/19 Council agenda.

11. Mayor's Aldermanic Appointments
  - a. Small Claims Committee – 1
  - b. Library Board – 1
12. **Motion:** Consider a motion to concur with the following Mayoral Aldermanic appointments:
  - a. Water & Sewer Utility Commission – 1
  - b. Landscape and Beautification Committee – 1
  - c. Tourism Commission - 1
  - d. Community Development Authority (CDA) -2
13. Common Council President Aldermanic Appointments:
  - a. Personnel Committee (minimum of 2) – 3
  - b. Capital Improvements Committee – 3
  - c. License Committee – 3
  - d. Plan Commission Representatives – 2
  - e. Board of Health Representative – 1
  - f. Emergency Government Committee Representative – 1
  - g. Parks, Recreation and Forestry Commission – 1
  - h. Traffic and Safety Commission – 1
  - i. Finance Committee – 3

### DEPARTMENT OF PUBLIC WORKS

14. **Motion:** Consider a motion to award the Lake Vista Park Rubber Play Surface Installation unit price contract to Blumel's Maintenance Service, Inc., at the estimated cost of \$48,260 (Project No. 19022 (4<sup>th</sup> District).

### COMMUNITY DEVELOPMENT

15. **Resolution:** Consider Resolution No. 12055-041619, approving a Certified Survey Map for Walden OC, LLC, for the properties at 1700, 1750, 1800, 1816, 1848, 1850, 1900 and 1920 W. Drexel Ave. and 7700 S. Ikea Way (2<sup>nd</sup> District).

## **ENGINEERING**

16. **Resolution:** Consider Resolution No. 12054-041619, issuing a release from the Development Agreement for StorageShopUSA – Oak Creek LLC, at 331 and 401 E. Oak St. (Tax Key Nos. 733-0008-000 and 733-0009-000) (1<sup>st</sup> District).
17. **Motion:** Consider a motion to award the 2019 Road Improvements unit price contract to the lowest responsive, responsible bidder, Payne & Dolan, Inc., at the estimated cost of \$1,318,164.45 (Project No. 19019) (Various Districts).
18. **Motion:** Consider a motion to award the Private Property Infiltration & Inflow (PP/II) Phase I Lateral Inspection unit price contract to Green Bay Pipe & TV LLC, at the estimated cost of \$7,405.50 (Project No. 18035) (4<sup>th</sup> District).
19. **Resolution:** Consider Resolution No. 12056-041619, approving the Creekside Crossing Marketplace Development Agreement for the design and installation of public improvements at 7700 S. Ikea Way (Tax Key Nos. 784-9008, 784-9009-001, 784-9010-001, 784-9011, 784-9013, 784-9014, 784-9016, 784-9017, 784-9024, and 784-9024) (Project Nos. 18054 and 18055) (2<sup>nd</sup> District).
20. **Resolution:** Consider Resolution No. 12057-041619, approving the Ryan Business Park Development Agreement for the design and installation of public improvements for the development located in the southeast quadrant of Ryan Road/13<sup>th</sup> Street. (Lots 1, 2, 3 and 4 of CSM 9085, and 1199 and 1203 W. Ryan Road) (Project Nos. 18058 and 18059) (5<sup>th</sup> District).

## **LICENSE COMMITTEE**

21. **Motion:** Consider a motion to adopt the License Committee recommendations as listed on the 4/16/19 License Committee Report (by Committee of the Whole).

## **VENDOR SUMMARY**

22. **Motion:** Consider a motion to approve the April 10, 2019 Vendor Summary Report in the combined total amount of \$470,103.03 (by Committee of the Whole).

## **MISCELLANEOUS**

23. **Motion:** Consider a motion to convene into Closed Session pursuant to Wisconsin State Statutes, Section 19.85(1)(e) and (g) to consider engaging outside legal counsel to investigate possible cost recovery for environmental remediation on property owned by the City located at 9006 South 5<sup>th</sup> Avenue.
24. **Motion:** Consider a motion to reconvene into Open Session.
25. **Motion:** Consider a motion to take action, if required.

## **Adjournment.**

### **Public Notice**

Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 766-7000, by fax at 766-7976, or by writing to the ADA Coordinator at the Oak Creek Health Department, 8040 S. 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice

**Publish 3/27/19**

**CITY OF OAK CREEK**

**NOTICE OF PUBLIC HEARING ON SPECIAL ASSESSMENTS  
FOR WATER MAIN AND APPURTENANCES**

**IN ACCORDANCE WITH RESOLUTION NO. 12042-031919**

**(PROJECT NO. 19103)**

PLEASE TAKE NOTICE that the Common Council of the City of Oak Creek has declared its intention to exercise its power under Section 3.200 of the Municipal Code of the City of Oak Creek to levy special assessments upon abutting property for benefits conferred upon such property in the following location:

PROJECT NO. 19103 WATER MAIN AND APPURTENANCES

All property fronting on:

The South side of W. College Avenue

From: Approx. 400 feet east of S. 27<sup>th</sup> Street

To: Approx. 525 feet west of S. 20<sup>th</sup> Street

The report of the Utility Engineer showing preliminary proposed plans, estimated cost of improvements and proposed assessments are on file in the office of the Utility Engineer and may be inspected there Monday through Friday between the hours of 7:30 a.m. and 4:00 p.m.

You are further notified that the Common Council will hear all persons interested or their agents or attorneys concerning matters contained in the proposed assessments on Tuesday, April 16, 2019 at 7 p.m. in the City Hall Council Chambers. All particulars presented will be finally determined.

By order of the Common Council.

Dated this 20<sup>th</sup> day of March, 2019.

/s/ Catherine A. Roeske  
City Clerk



### COMMON COUNCIL REPORT

**Item:** Special Assessments for W College Avenue Water Main Extension

**Recommendation:** That the Common Council adopts Resolution No. 12052-041619, a final resolution authorizing water main improvements, and levying special assessments against benefited properties on the south side of West College Avenue from 400 feet east of S. 27th Street to 525 feet west of S. 20th Street. (Tax Key Nos. 715-9043-000, 715-9017-000, 715-9995-000, 715-9996-000, 715-9997-000, and 715-9998-000)(Project No. 19103) (2nd Aldermanic District

**Fiscal Impact:** The Oak Creek Water and Sewer Utility will initially fund the entire cost of the project, and shall be reimbursed a portion of the total cost as special assessments are received. The estimated cost of the project is \$485,000.

- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

**Background:** This project was initiated by the Oak Creek Water and Sewer Utility Commission. It will provide water service to adjacent property owners as well as improve water quality and fire protection by connecting two dead ends currently in W. College Avenue. If approved, the installation should be completed by Winter 2019.

**Options/Alternatives:** If the Council does not approve the special assessments the Utility will not be able to move forward with public improvements.

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

Brian L. Johnston, PE  
Utility Engineer

Fiscal Review:

Bridget M. Souffrant  
Assistant City Administrator/Comptroller

Attachments: Resolution 12052-041619, Location map

**RESOLUTION NO. 12052-041619**

**BY: \_\_\_\_\_**

**FINAL RESOLUTION AUTHORIZING WATER MAIN  
AND APPURTENANCES IN W. COLLEGE AVENUE  
AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED  
PROPERTIES AND APPROVING PRELIMINARY PLANS**

**(PROJECT NO. 19103)**

**(2<sup>ND</sup> ALDERMANIC DISTRICT)**

WHEREAS, the Common Council of the City of Oak Creek, held a public hearing at the City Hall at 7:00 p.m. on April 10, 2019 for the purpose of hearing all interested persons concerning preliminary Resolution No. 12042-031919, the report of the Utility Engineer on the proposed improvements and construction of water main and appurtenances, and on benefits conferred upon properties in the following location:

PROJECT NO. 19103 WATER MAIN AND APPURTENANCES

All property fronting on:

South side of W. College Avenue.

From: Approx. 400 feet east of S. 27<sup>th</sup> Street  
To: Approx. 525 feet west of S. 20<sup>th</sup> Street

and has heard all persons desiring audience at such hearing and has considered the Engineer's Report.

WHEREAS, the City proposed to install said improvements and the owners abutting said improvements will benefit from the installation of same; and

WHEREAS, the Utility Engineer has prepared preliminary plans for said improvements; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Oak Creek as follows:

1. That the aforementioned improvements be installed.
2. That the report of the Utility Engineer pertaining to construction of the above-described public improvements, is hereby adopted and approved.
3. That the above-described public improvements constitute an exercise of the City's Police power and benefit the properties being assessed.
4. That each abutting property owner shall be assessed for the improvements in the manner set forth in Section 3.200 of the Municipal Code of the City of Oak Creek and the assessment rate as set forth in Common Council Resolution No. 10751-041707.

5. That the Schedule of Assessments shown on the report is true and correct, has been determined on a reasonable basis, and is hereby confirmed.
6. A. That the assessments may be paid in cash or in 5/10 annual installments in accordance with Section 3.210 of the Municipal Code of the City of Oak Creek; if paid in installments, the same shall bear interest at the rate of 4% per annum on the unpaid balance.
- B. For those properties which are vacant or have one residential dwelling unit, that are two and one-half (2½) acres or more in area, or have three hundred thirty (330) feet or more of assessed frontage, payment shall be made within twenty (20) years of the date of the levy in equal annual installments on the property tax bill with interest at the rate of 4% per annum on the unpaid balance.
7. That the said preliminary plans are hereby approved.
8. That the City Clerk is hereby authorized to advertise for bids for the above-mentioned improvements and shall advertise for such bids in the official newspapers.
9. That the City Clerk is hereby directed to publish this resolution as a Class I Notice in the assessment district.
10. That the City Clerk is further directed to mail a copy of this resolution and upon completion of the improvement, a statement of the final assessment against the property to every property owner whose name appears on the assessment roll whose post office address is known or can, with reasonable diligence, be ascertained.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 16<sup>th</sup> day of April, 2019.

\_\_\_\_\_  
 President, Common Council

Passed and adopted this 16<sup>th</sup> day of April, 2019.

\_\_\_\_\_  
 Mayor

ATTEST:

\_\_\_\_\_  
 City Clerk

VOTE: Ayes \_\_\_\_\_ Noes \_\_\_\_\_





TO BE PUBLISHED MARCH 20 & 27, 2019

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING  
BEFORE THE OAK CREEK COMMON COUNCIL**

**PURPOSE:** The purpose of this public hearing is to consider a request submitted by Frank Giuffre, Star Properties 2, LLC, for a Conditional Use Permit for a proposed contractor's office/shop/yard with outdoor storage and truck parking on the properties 6524 and 6548 S. 13<sup>th</sup> St.

**Hearing Date:** April 16, 2019  
**Time:** 7:00 p.m.  
**Place:** Oak Creek Civic Center (City Hall)  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154  
Common Council Chambers

**Applicant:** Frank Giuffre, Star Properties 2, LLC  
**Property Owner:** Star Properties 2, LLC  
**Property Location(s):** 6524 and 6548 S. 13<sup>th</sup> St.  
**Tax Key(s):** 717-9987-001 and 717-9986-001

**Legal Description:**

Lot 1. 6524 S. 13<sup>th</sup> St. – North 5 acres of West 10 acres of South 15 acres of the North 30 acres of the South 80 acres, lying West of the Westerly line of the Chicago, Milwaukee, Saint Paul and Pacific Railroad in the Northwest fractional ¼ of Section 5 in Township 5 North Range 22 East, in the City of Oak Creek, County of Milwaukee, Wisconsin and excluding parts conveyed in DOC#09878874 for S 13<sup>th</sup> St. (4.200 acres)

Lot 2. 6548 S. 13<sup>th</sup> St. – South 5 acres of West 10 acres of South 15 acres of the North 30 acres of the South 80 acres, lying West of the Westerly line of the Chicago, Milwaukee, Saint Paul and Pacific Railroad in the Northwest fractional ¼ of Section 5 in Township 5 North Range 22 East, in the City of Oak Creek, County of Milwaukee, Wisconsin and excluding parts conveyed in DOC#09878874 for S 13<sup>th</sup> St. (4.419 acres)

The Common Council has scheduled other public hearings for April 16, 2019 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

Any person(s) with questions regarding the proposed change may call the Department of Community Development at (414) 766-7000, during regular business hours.

Date of Notice: March 13, 2019  
CITY OF OAK CREEK COMMON COUNCIL  
By: Daniel J. Bukiewicz, Mayor

**PUBLIC NOTICE**

PLEASE NOTE: Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information, or to request this service, contact the Oak Creek City Clerk at 766-7000 or write to the ADA Coordinator at the Health Department, City Hall, 8040 S. 6<sup>th</sup> St., Oak Creek, WI 53154.



## COMMON COUNCIL REPORT

**Item:** Conditional Use Permit - contractor’s office / shop / yard with outdoor storage and truck parking

**Recommendation:** That the Council adopts Ordinance 2933, an ordinance to approval a Conditional Use Permit for a contractor’s office / shop / yard with outdoor storage and truck parking on the properties at 6524 & 6548 S. 13th St.

**Fiscal Impact:** Approval will allow for the use and occupancy of an existing Manufacturing building and parcels. Reuse and redevelopment of these properties will yield positive fiscal impacts in terms of assessed value and review/permit fees. Moreover, the cleanup of this property is a non-financial benefit to the community. This property is not currently part of a TID.

- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

**Background:** The Applicant, Frank Giuffre, Star Properties 2, LLC, is requesting Conditional Use approval for a proposed contractor’s office/shop/yard with outdoor storage and truck parking on the properties at 6524 and 6548 S. 13th St. Contractor’s offices/shops/yards with outdoor storage and truck parking are Conditional Uses in the M-1, Manufacturing district. Included with this report are conceptual plans for the proposal.

Both properties were formerly the site of a recycling operation, the remnants of which have been cleaned and removed from the property with the exception of the existing building, which will become part of the proposed operation. Per the submitted narrative, landscaping, an asphalt turn-around on the west, parking lot lighting, a parking lot on the east, and minor exterior building modifications are anticipated. Outdoor storage will be limited to the proposed parking lot on the east, which would accommodate 74 truck and trailer stalls, and one or more dumpster enclosures to be approved by the Plan Commission as part of future plan reviews. Hours of operation would be between 8:00 AM and 5:00 PM Monday – Friday, with 1-2 employees.

Access to the site will be via the existing drive off of S. 13th St. Minimum parking requirements for general manufacturing, processing, and fabrication operations are calculated at one (1) stall per employee at peak shift. While the conceptual plans do not specify the number of employee parking stalls, only 2 would be required at this time. There appears to be sufficient space to stripe adequate parking stalls for employees, which would be included in future Plan Commission reviews.

Council should be aware of the following additional requirements:

- 
1. The properties must be combined via CSM as the operation is proposed to cross parcel lines. Floodway, floodplain, and wetland boundaries must appear on the map.
  2. Stormwater management, erosion control plans, and a Stormwater Maintenance Agreement will be required.
  3. Parking areas must be paved per Code requirements.
  4. The expansion of the parking areas and landscaping will require review and approval by the Plan Commission at a later date.

Staff will continue to work with the Applicant on the above formal plan submission requirements

The Plan Commission reviewed this request during their February 26 and March 12, 2019 meetings. The request was recommended for approval subject to the attached Conditions and Restrictions.

**Options/Alternatives:** Council has the discretion to modify the proposed Conditions and Restrictions as part of the approval of the Conditional Use Permit.

---

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



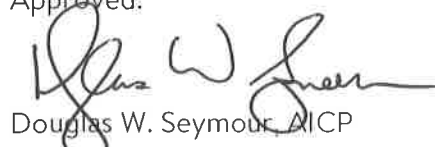
Kari Papelbon, CFM, AICP  
Planner

Fiscal Review:



Bridget M. Souffrant  
Assistant City Administrator/Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

---

Attachments:

Ord. 2933

Location Map

Hearing Notice

Plan Commission meeting minutes

Narrative

Site Plan Concepts (3 pages)

Conditions and Restrictions

ORDINANCE NO. 2933

By: \_\_\_\_\_

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR A  
CONTRACTOR'S OFFICE / SHOP / YARD WITH OUTDOOR STORAGE AND TRUCK  
PARKING ON THE PROPERTIES AT 6524 & 6548 S. 13<sup>TH</sup> ST.

(1<sup>st</sup> Aldermanic District)

WHEREAS, FRANK GIUFFRE, STAR PROPERTIES 2, LLC, has applied for a Conditional Use Permit that would allow for a contractor's office / shop / yard with outdoor storage and truck parking on the properties at 6524 & 6548 S. 13th St.; and

WHEREAS, the properties are more precisely described as follows:

Lot 1. 6524 S. 13<sup>th</sup> St. – North 5 acres of West 10 acres of South 15 acres of the North 30 acres of the South 80 acres, lying West of the Westerly line of the Chicago, Milwaukee, Saint Paul and Pacific Railroad in the Northwest fractional ¼ of Section 5 in Township 5 North Range 22 East, in the City of Oak Creek, County of Milwaukee, Wisconsin and excluding parts conveyed in DOC#09878874 for S 13<sup>th</sup> St. (4.200 acres)

Lot 2. 6548 S. 13<sup>th</sup> St. – South 5 acres of West 10 acres of South 15 acres of the North 30 acres of the South 80 acres, lying West of the Westerly line of the Chicago, Milwaukee, Saint Paul and Pacific Railroad in the Northwest fractional ¼ of Section 5 in Township 5 North Range 22 East, in the City of Oak Creek, County of Milwaukee, Wisconsin and excluding parts conveyed in DOC#09878874 for S 13<sup>th</sup> St. (4.419 acres)

WHEREAS, the Plan Commission has reviewed this proposal and has recommended that the Conditional Use be approved; and

WHEREAS, the Common Council held a public hearing on this matter on April 16, 2019, at which time all interested parties appeared and were heard; and

WHEREAS, the Plan Commission had recommended that the application for a Conditional Use be approved and authorized subject, however, to the imposition of certain conditions and restrictions upon the design, construction, location and operation of this Conditional Use and which conditions and restrictions are incorporated by reference into the amended Conditional Use Permit; and

WHEREAS, following said public hearing and upon recommendation of approval of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the Conditional Use were approved and authorized for the lands hereinabove described, subject, however, to the imposition of certain conditions and restrictions on the design, construction, location and operation of the Conditional Use.

NOW, THEREFORE, the Common Council of the City of Oak Creek does hereby ordain as follows:

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Building Commissioner is hereby authorized to grant a

Conditional Use Permit for a contractor's office / shop / yard with outdoor storage and truck parking on the properties at 6524 & 6548 S. 13th St., which shall include the aforementioned conditions and restrictions.

SECTION 2: The Conditional Use is subject to the aforementioned conditions and restrictions on the design, location, construction and operation of the Conditional Use for a contractor's office / shop / yard with outdoor storage and truck parking on the properties at 6524 & 6548 S. 13th St.

SECTION 3: All ordinances or parts of ordinances and Zoning District Maps made a part of Chapter 17 of the Municipal Code of the City of Oak Creek in conflict herewith are hereby repealed.

SECTION 4: The several sections of this ordinance are declared to be severable. If any section shall be declared, by a decision of a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

Passed and adopted this 16<sup>th</sup> day of April, 2019.

\_\_\_\_\_  
President, Common Council

Approved this 16<sup>th</sup> day of April, 2019.

\_\_\_\_\_  
Mayor

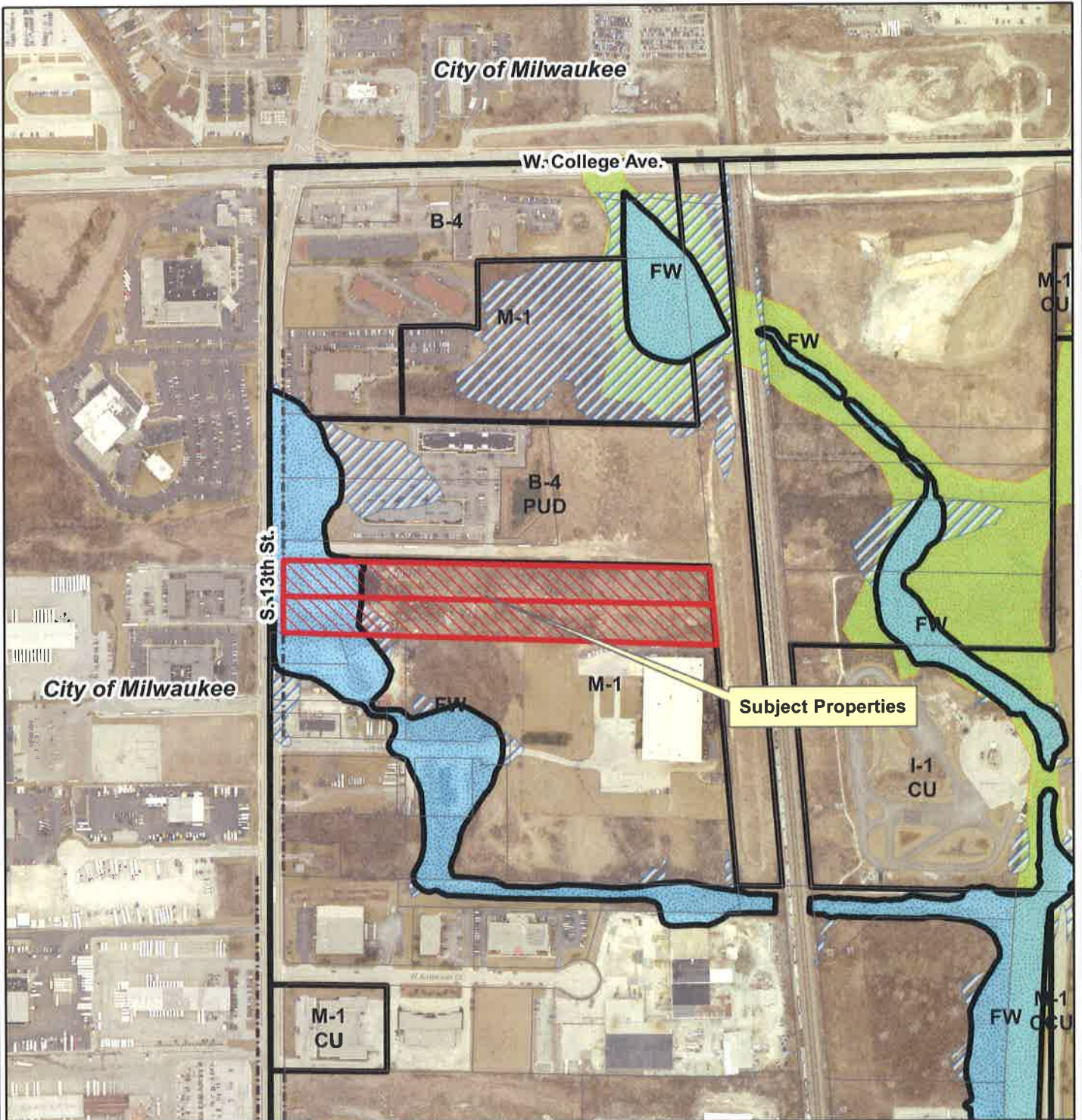
ATTEST:

\_\_\_\_\_  
City Clerk

VOTE: Ayes \_\_\_\_\_ Noes \_\_\_\_\_

# Location Map

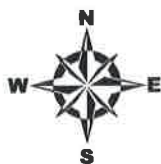
## 6524 & 6548 S. 13th St.








This map is not a survey of the actual boundary of any property this map depicts.



Department of Community Development



### Legend

-  6524 & 6548 S. 13th St.
-  Officially Mapped Streets
-  Floodway (2008)
-  Floodplain (2008)
-  Environmental Corridor

TO BE PUBLISHED MARCH 20 & 27, 2019

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING  
BEFORE THE OAK CREEK COMMON COUNCIL**

**PURPOSE:** The purpose of this public hearing is to consider a request submitted by Frank Giuffre, Star Properties 2, LLC, for a Conditional Use Permit for a proposed contractor's office/shop/yard with outdoor storage and truck parking on the properties 6524 and 6548 S. 13<sup>th</sup> St.

**Hearing Date:** April 16, 2019  
**Time:** 7:00 p.m.  
**Place:** Oak Creek Civic Center (City Hall)  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154  
Common Council Chambers

**Applicant:** Frank Giuffre, Star Properties 2, LLC  
**Property Owner:** Star Properties 2, LLC  
**Property Location(s):** 6524 and 6548 S. 13<sup>th</sup> St.  
**Tax Key(s):** 717-9987-001 and 717-9986-001

**Legal Description:**

Lot 1. 6524 S. 13<sup>th</sup> St. – North 5 acres of West 10 acres of South 15 acres of the North 30 acres of the South 80 acres, lying West of the Westerly line of the Chicago, Milwaukee, Saint Paul and Pacific Railroad in the Northwest fractional ¼ of Section 5 in Township 5 North Range 22 East, in the City of Oak Creek, County of Milwaukee, Wisconsin and excluding parts conveyed in DOC#09878874 for S 13<sup>th</sup> St. (4.200 acres)

Lot 2. 6548 S. 13<sup>th</sup> St. – South 5 acres of West 10 acres of South 15 acres of the North 30 acres of the South 80 acres, lying West of the Westerly line of the Chicago, Milwaukee, Saint Paul and Pacific Railroad in the Northwest fractional ¼ of Section 5 in Township 5 North Range 22 East, in the City of Oak Creek, County of Milwaukee, Wisconsin and excluding parts conveyed in DOC#09878874 for S 13<sup>th</sup> St. (4.419 acres)

The Common Council has scheduled other public hearings for April 16, 2019 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

Any person(s) with questions regarding the proposed change may call the Department of Community Development at (414) 766-7000, during regular business hours.

Date of Notice: March 13, 2019  
CITY OF OAK CREEK COMMON COUNCIL  
By: Daniel J. Bukiewicz, Mayor

**PUBLIC NOTICE**

PLEASE NOTE: Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information, or to request this service, contact the Oak Creek City Clerk at 766-7000 or write to the ADA Coordinator at the Health Department, City Hall, 8040 S. 6<sup>th</sup> St., Oak Creek, WI 53154.



**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, FEBRUARY 26, 2019**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Simmons, Commissioner Carrillo, Alderman Loreck, Commissioner Siepert and Commissioner Chandler. Alderman Guzikowski, and Commissioner Correll were excused. Also present: Planner Kari Papelbon, and Zoning Administrator/Planner Pete Wagner.

**CONDITIONAL USE PERMIT  
STAR PROPERTIES 2, LLC  
6524 AND 6548 S. 13<sup>TH</sup> ST  
TAX KEY NOS. 717-9987-001 AND 717-9986-001**

Planner Papelbon provided an overview of the conditional use permit for a contractor's office/shop/ yard with outdoor storage and truck parking. (See staff report for details).

Commissioner Chandler asked the applicant to provide a little more information about the purpose of the trucks and trailers. Frank Giuffre, S71W15138 Rosewood, Muskego, Wisconsin, clarified that they do not have a tenant lined up for the space yet so this plan is just an idea of what they would do with the property to clean it up. Mayor Bukiewicz explained the property used to be Tri-Star Recycling Center, and the area used to be used for scrap metal storage. Mr. Giuffre continued to explain that west of the building is already concrete and they are just going to make it better. Mr. Giuffre predicted that in the first year the concrete might cover about 25% of the lot that is east of the building depending on if it is needed.

Commissioner Siepert asked if this would be used just for storing trailers. Mr. Giuffre referenced other companies in Oak Creek that are used for storing trailers that are not in use. Mayor Bukiewicz made note that this is a fully fenced in facility. Mr. Giuffre confirmed.

Commissioner Hanna expressed concern about drainage going into the wetlands on the property or other facilities. Mr. Giuffre agreed with Commissioner Hanna.

Mayor Bukiewicz inquired about whether or not any trailers would be stored on the west side of the building. Mr. Giuffre assured him nothing would be stored west of the building. Mayor Bukiewicz suggested the west side of the building would just be for employee parking. Mr. Giuffre agreed.

Commissioner Hanna asked if they had made sure the entrances are wide enough for the trailers to turn into the property. Mr. Giuffre explained that it was tested while they were making improvements and taking stuff out of the property.

Mayor Bukiewicz explained that he had driven by the property recently and it looks a lot better than it was.

Planner Papelbon clarified that this Conditional Use Permit is for a contractor's office and yard. If the property is rented out to a tenant that wants to put something on the property that falls under Conditional Use category, but isn't considered a contractor's office or yard, they would have to come back to Plan Commission to amend the Conditional Use Permit.

Mayor Bukiewicz asked if there is enhanced landscaping going in. Planner Papelbon confirmed that landscaping would be in the future as part of the site plan review.

Commissioner Siepert moved that the Plan Commission recommend that the Common Council approves a Conditional Use Permit for a contractor's office / shop / yard with outdoor storage and truck parking on the properties at 6524 and 6548 S. 13<sup>th</sup> St., after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (March 12, 2019).

Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Chandler seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 6:23 p.m.

ATTEST:

  
\_\_\_\_\_  
Douglas Seymour, Plan Commission Secretary

3-12-19

\_\_\_\_\_  
Date

Star Properties 2, LLC



<b>Property Address:</b>	6524-6548 S 13 <sup>th</sup> Street, Oak Creek WI 53154
<b>Property Use:</b>	Contractor's office, shop, and yard with outdoor storage.
<b>Hours of Operation:</b>	8:00 a.m. – 5:00 p.m.
<b>Days of Operation</b>	Monday – Friday
<b>Employees:</b>	One – Two
<b>Shifts:</b>	First Shift
<b>Improvements to Date:</b>	<ul style="list-style-type: none"> <li>- Cleaned up Recycling Center yard</li> <li>- Painted exterior of building</li> </ul>
<b>Future Improvements:</b>	<ul style="list-style-type: none"> <li>- Front landscaping</li> <li>- Front asphalt turn-around</li> <li>- Front and back parking lot lighting</li> <li>- Back gravel parking lot</li> <li>- Exterior building improvements</li> <li style="padding-left: 20px;">- <i>Awnings &amp; Paint</i></li> </ul>
<b>Outside Storage:</b>	<ul style="list-style-type: none"> <li>- Dumpster(s)</li> <li>- Trucks/Trailers</li> </ul>
<b>Outside Parking:</b>	- Trucks/Trailers – 74 Spots



**STAR PROPERTIES 2, LLC**  
6624-6648 S 13TH STREET  
OAK CREEK, WI 53154

CITY OF OAK CREEK  
JAN 31 2019  
RECEIVED



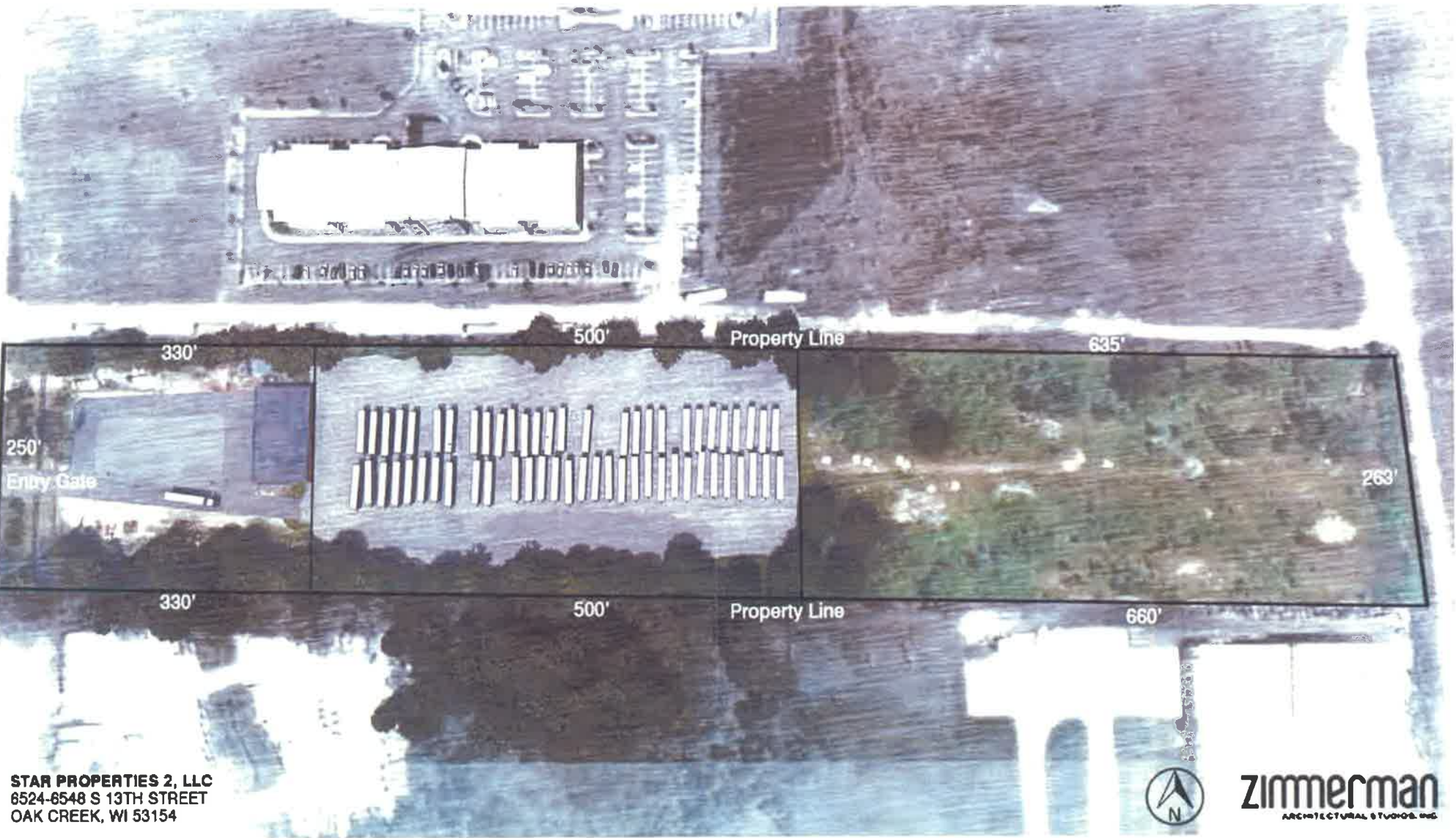
**zimmerman**  
ARCHITECTURAL STUDIOS, INC



**zimmerman**  
ARCHITECTURAL & PLANNING, INC.



**STAR PROPERTIES 2, LLC**  
6524-6548 S 13TH STREET  
OAK CREEK, WI 53154



**STAR PROPERTIES 2, LLC**  
6524-6548 S 13TH STREET  
OAK CREEK, WI 53154



**zimmerman**  
ARCHITECTURAL STUDIOS, INC.

**City of Oak Creek – Conditional Use Permit (CUP)  
DRAFT Conditions and Restrictions**

**Applicant:** Frank Giuffre, Star Properties 2, LLC  
**Property Address(es):** 6524 and 6548 S. 13<sup>th</sup> St.  
**Tax Key Number(s):** 717-9987-001 & 717-9986-001  
**Conditional Use:** **Contractor's office / shop / yard  
with outdoor storage and truck parking**

**Approved by Plan Commission:** 3-12-19  
**Approved by Common Council:** TBD  
(Ord. 2933)

1. LEGAL DESCRIPTION

Lot 1, 6524 S. 13<sup>th</sup> St. - N 5 ACS OF W 10 ACS OF S 15 ACS OF N 30 ACS OF S 80 ACS OF NW 1/4 SEC 5-5-22 & EXC PARTS CONVEYED IN DOC# 09878874 FOR S 13TH STR (4.200 ACS).

Lot 2, 6548 S. 13<sup>th</sup> St. - S 5 ACS OF W 10 ACS OF S 15 ACS OF N 30 ACS OF S 80 ACS OF NW 1/4 SEC 5-5-22 & EXC PARTS CONVEYED IN DOC# 09878874 FOR S 13TH STR (4.419 ACS).

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.

B. A precise detailed site plan for the area affected by the Conditional Use shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1) **General Development Plan**

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
  - i) Location(s) and future expansion
  - ii) Number of employees
  - iii) Number of all parking spaces
  - iv) Dimensions
  - v) Setbacks
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of outdoor storage area(s)
- m) Location(s) of wetlands (field verified)
- n) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates

2) **Landscape Plan**

- a) Screening plan, including parking lot / truck parking screening/berming
- b) Number, initial & mature sizes, and types of plantings
- c) Percentage open/green space

3) **Building Plan**

- a) Architectural elevations (w/dimensions)
- b) Building floor plans (w/dimensions)
- c) Materials of construction (including colors)

4) **Lighting Plan**

- a) Types & color of fixtures
- b) Mounting heights
- c) Types & color of poles
- d) Photometrics of proposed fixtures

5) **Grading, Drainage and Stormwater Management Plan**

- a) Contours (existing & proposed)
- b) Location(s) of storm sewer (existing and proposed)
- c) Location(s) of stormwater management structures and basins (if required)

6) **Fire Protection**

- a) Locations of existing & proposed fire hydrants
- b) Interior floor plan(s)
- c) Materials of construction
- d) Materials to be stored (interior & exterior)

C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building or occupancy permit.

- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building or occupancy permits.
- E. Site and landscaping plans must be submitted for review and approval by the Plan Commission prior to the issuance of a building or occupancy permit. Landscaping, in accordance with the approved plan must be in place prior to the issuance of an occupancy permit.
- F. A Development Agreement and/or Stormwater Maintenance Agreement shall be completed between the owner(s) and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- G. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- H. Prior to the issuance of any building or occupancy permits, the Applicant/landowner shall submit a Certified Survey Map combining the properties.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to those allowed by the M-1, Manufacturing zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).
- B. Outdoor storage shall be limited to the parking of trucks and trailers associated with the business, and shall be located on paved surfaces within the fenced area in designated & striped stalls as approved by the Plan Commission.
- C. There shall be no outdoor storage of the following:
  - 1. Equipment of any kind (other than trucks and trailers in approved and striped parking stalls).
  - 2. Merchandise for sale, rent, or lease.
  - 3. Junk, damaged, nonoperational, or unlicensed vehicles.
  - 4. Parts, supplies, flammable or hazardous materials.
  - 5. Storage of any kind in the FW, Floodway District.
- D. All new parking areas shall be paved, striped, and landscaped in accordance with Plan Commission-approved site plans and applicable Codes.
- E. Any change to the occupancy of the site or building shall conform to all Building, Fire, and Municipal Code requirements (as amended).
- F. No pennant flags, light pole flags, permanent banners, flashing/blinking signs, or new pole signs shall be permitted as part of this development. All other signs shall comply with all applicable Code requirements.
- G. Solid waste collection and recycling shall be the responsibility of the owner.



H. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended), and these Conditions and Restrictions (see Section 3 above).

5. LIGHTING

All plans for new outdoor lighting shall be reviewed and approved by the Electrical Inspector in accordance with Section 17.0808 of the Municipal Code (as amended).

6. BUILDING AND PARKING SETBACKS\*

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure(s)	40 ft	20 ft	20 ft
Accessory Structure(s)*	40 ft	20 ft	20 ft
Off-street Parking	30 ft	0 ft	0 ft

*\*No accessory structures shall be permitted in the front yard nor shall any structures be permitted in required buffer yards.*

7. TIME OF COMPLIANCE

The operator of the Conditional Use shall commence work in accordance with these Conditions and Restrictions within twelve (12) months from the date of adoption of the ordinance authorizing this Conditional Use Permit. This Conditional Use approval shall expire within twelve (12) months after the date of adoption of the ordinance if building or occupancy permits have not been issued for this use.

8. DURATION OF CONDITIONAL USE PERMIT

This Conditional Use Permit is limited in duration to ten (10) years from the date of issuance of the Conditional Use Permit. The owner may apply for an extension of this Conditional Use Permit a minimum of thirty (30) day prior to its expiration. The process for extension of the Conditional Use Permit shall follow the procedures for approving Conditional Use Permit as set forth in Section 17.1007 of the Municipal Code (as amended).

9. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

10. VIOLATIONS & PENALTIES

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Conditional Use Permit is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of

paragraph 10 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other City ordinances.

11. REVOCAION

Should an applicant, their heirs, successors or assigns, fail to comply with the conditions and restrictions of the approval issued by the Common Council, the Conditional Use Permit approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving Conditional Use Permit as set forth in Section 17.1007 of the Municipal Code (as amended).

12. ACKNOWLEDGEMENT

The approval and execution of these conditions and restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their subsidiaries, related entities, successors and assigns.

\_\_\_\_\_  
Owner / Authorized Representative Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
(please print name)

DRAFT

**EXHIBIT A: CONCEPTUAL SITE PLANS**

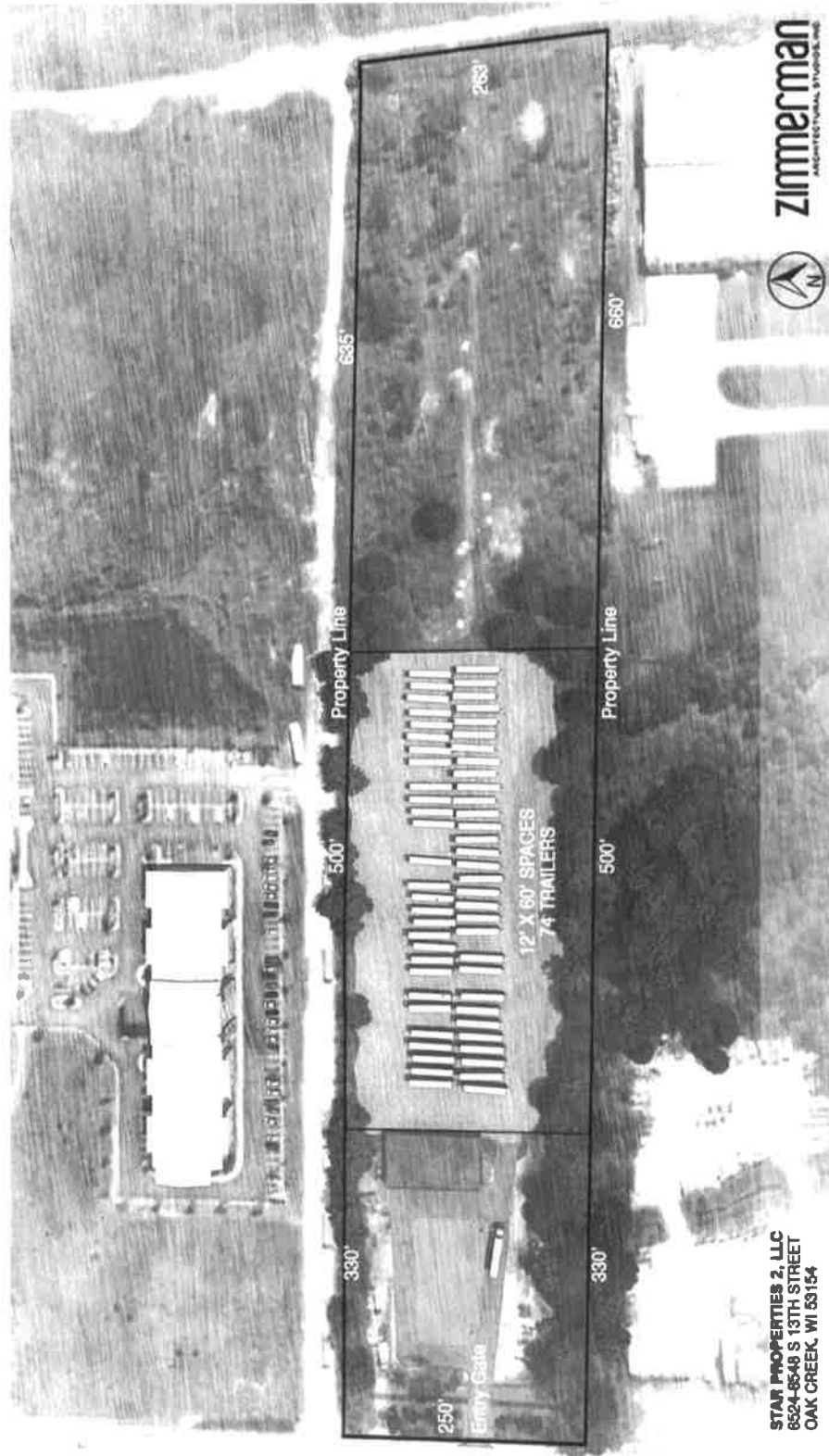
(For illustrative purposes only. Detailed plans in accordance with these conditions and restrictions and the City of Oak Creek Municipal Code must be approved by the Plan Commission.)



**zimmerman**  
ARCHITECTURAL STUDIOS, INC.

**STAR PROPERTIES 2, LLC  
6624-6648 S 13TH STREET  
OAK CREEK, WI 53164**

**EXHIBIT A CONT'D: CONCEPTUAL SITE PLANS (AERIAL)**



**STAR PROPERTIES 2, LLC**  
6824-6848 S 13TH STREET  
OAK CREEK, WI 53154

TO BE PUBLISHED MARCH 20 & 27, 2019

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING  
BEFORE THE OAK CREEK COMMON COUNCIL**

**PURPOSE:** The purpose of this public hearing is to consider a proposal by the Oak Creek-Franklin Joint School District to amend the Official Map for a portion of Lot 1 of Certified Survey Map No. 8047 (mapped, unimproved future right-of-way affecting the property at 9330 S. Shepard Ave.).

**Hearing Date:** April 16, 2019  
**Time:** 7:00 PM  
**Place:** Oak Creek City Hall  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154  
Common Council Chambers

**Property Legal Description:**

A portion of Lot 1 of Certified Survey Map No. 8047, recorded on May 12, 2008, Reel 6855 as Document No. 9599081 in the Register of Deeds office for Milwaukee County (mapped, unimproved future right-of-way affecting the property at 9330 S. Shepard Ave.).

The Common Council has scheduled other public hearings for April 16, 2019 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

A copy of the proposed map amendment is available for review at the Department of Community Development.

Any person(s) with questions regarding the proposed map amendment may contact the Department of Community Development at (414) 766-7000, during regular business hours.

Date of Notice: March 13, 2019  
CITY OF OAK CREEK COMMON COUNCIL  
By: Daniel J. Bukiewicz, Mayor

**PUBLIC NOTICE**

PLEASE NOTE: Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible, preferable a minimum of 48 hours. For additional information, or to request this service, contact the Oak Creek City Clerk at 766-7000, or by writing to the ADA Coordinator at the Health Department, City Hall, 8040 South 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154.



## COMMON COUNCIL REPORT

**Item:** Official Map Amendment - 9330 S. Shepard Ave.

**Recommendation:** That the Council adopts Ordinance 2934, an ordinance to amend the Official Map for a portion of Lot 1 of Certified Survey Map No. 8047 (mapped, unimproved future right-of-way affecting the property at 9330 S. Shepard Ave.).

**Fiscal Impact:** Approval will allow for the future construction of athletic facilities on the East Middle School property. Development of this currently developed school property will yield positive fiscal impacts in terms of permit fees. This property is not currently part of a TID.

- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

**Background:** The Oak Creek-Franklin Joint School District is requesting an amendment to the future road pattern on the Official Map as it relates to the property at 9330 S. Shepard Ave. Officially-mapped streets are through the property connecting S. Shepard Ave. to S. Ridge Croft Drive and S. Parkside Dr. as shown on the Location Map. The proposal removes the street pattern from 9330 S. Shepard Ave., relocating the connection between S. Ridge Croft Drive and S. Parkside Dr. to the property immediately north (9080 S. Shepard Ave.), and removes a proposed cul-de-sac on the future extension of S. Parkside Dr. The property at 9080 S. Shepard Ave. currently shows future extensions of S. Ridge Croft Drive and S. Parkside Dr. Reconfiguring the Official Map to remove the future street pattern from the property at 9330 S. Shepard Ave. would allow for the Applicant to install future athletic facilities on the north, while maintaining the connection for future developments on the properties to the north. In the future it should be determined whether the existing dedicated right-of-way to Shepard Ave. in the vicinity of the proposed amendment should be vacated.

When considering a proposal to amend the Official Map, the Council should consider the impact on the ability to logically develop adjacent properties in accordance with the existing Official Map. Nearby property owners may have an interest in maintaining certain aspects of an Official map if it provides them the future opportunity to subdivide their property in a cost-effective manner. If a person is proposing to remove this opportunity, or to alter it, they need to demonstrate that any adverse effects on the property owners involved would be offset by the benefit to the neighborhood. In other words, a property owner should not be able to amend the Official Map to maximize the development potential of his or her property at the detriment of surrounding properties.

---

The Plan Commission reviewed the proposed Official Map Amendment at their March 12, 2019 meeting, and recommended approval.

**Options/Alternatives:** Council has the discretion to approve, modify, or deny the request.

---

Respectfully submitted:



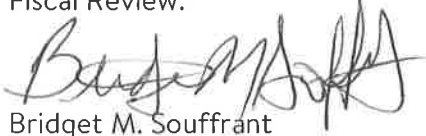
Andrew J. Vickers, MPA  
City Administrator

Prepared:



Kari Papelbon, CFM, AICP  
Planner

Fiscal Review:



Bridget M. Souffrant  
Assistant City Administrator/Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

---

Attachments:

Ord. 2934

Location Map

Hearing Notice

Proposal

Athletic Field Updates (Concept)

ORDINANCE NO. 2934

By: \_\_\_\_\_

AN ORDINANCE TO AMEND SECTION 6.01 OF THE MUNICIPAL CODE OF THE CITY OF OAK CREEK AMENDING THE OFFICIAL MAP FOR A PORTION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8047 (MAPPED, UNIMPROVED FUTURE RIGHT-OF-WAY AFFECTING THE PROPERTY AT 9330 S. SHEPARD AVE.)

(3<sup>rd</sup> Aldermanic District)

The Common Council of the City of Oak Creek does hereby ordain as follows:

SECTION 1: Section 6.01 of the Municipal Code of the City of Oak Creek enacted and adopted pursuant to Section 62.23(6)(b), Wisconsin Statutes, creating the official map of the City of Oak Creek, is hereby amended so as to establish the exterior lines of planned new streets, highways, parkways, parks and playgrounds and to widen, narrow, extend and close existing streets, highways, parkways, parks and playgrounds, as more fully shown on the map attached hereto and declared to be a part thereof (EXHIBIT "A"), the same affecting the Section 21, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

SECTION 2: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 16<sup>th</sup> day of April, 2019.

Passed and adopted this 16<sup>th</sup> day of April, 2019.

\_\_\_\_\_  
President, Common Council

Approved this 16<sup>th</sup> day of April, 2019.

\_\_\_\_\_  
Mayor

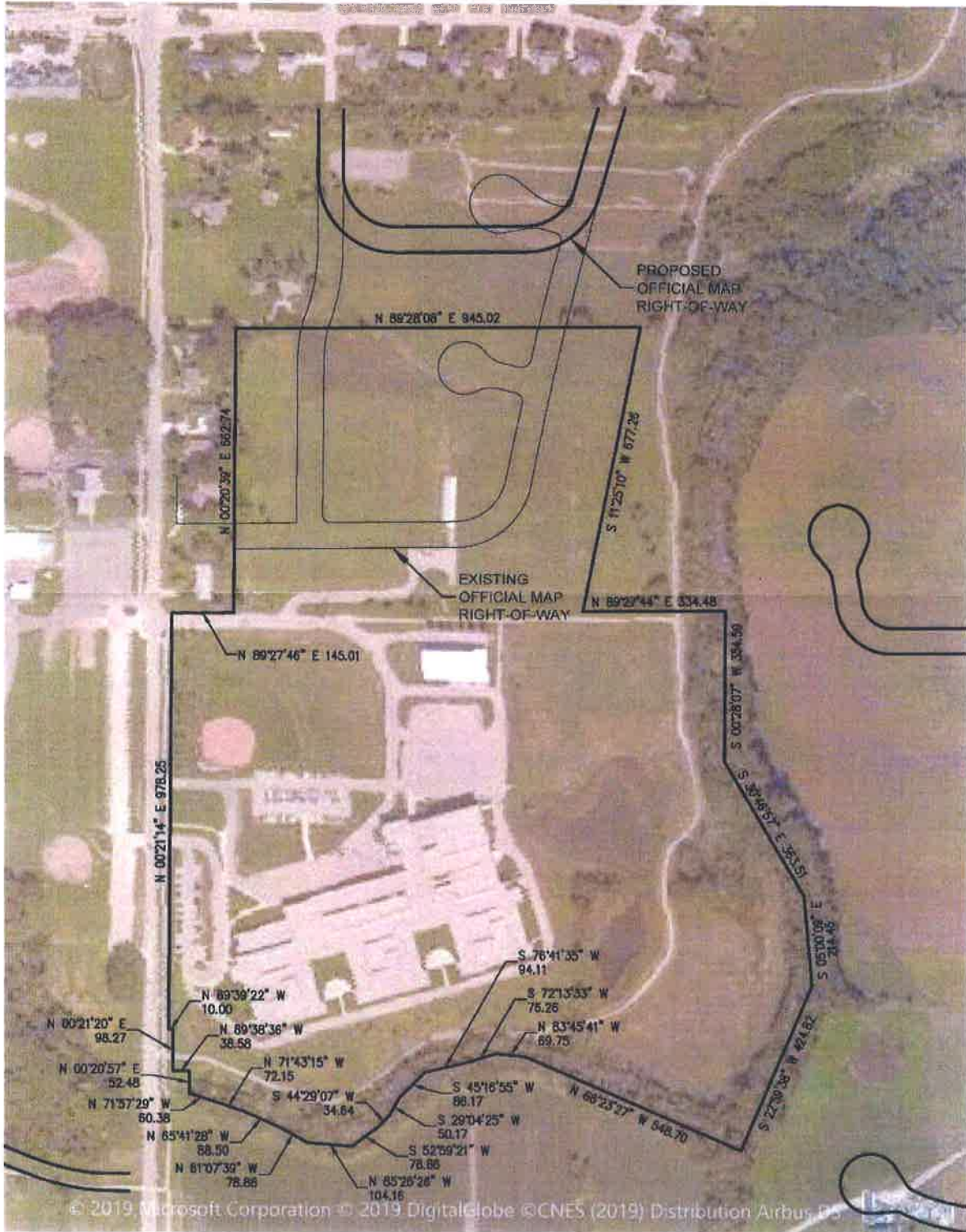
ATTEST:

\_\_\_\_\_  
City Clerk

VOTE: Ayes \_\_\_\_\_ Noes \_\_\_\_\_



EXHIBIT "A"



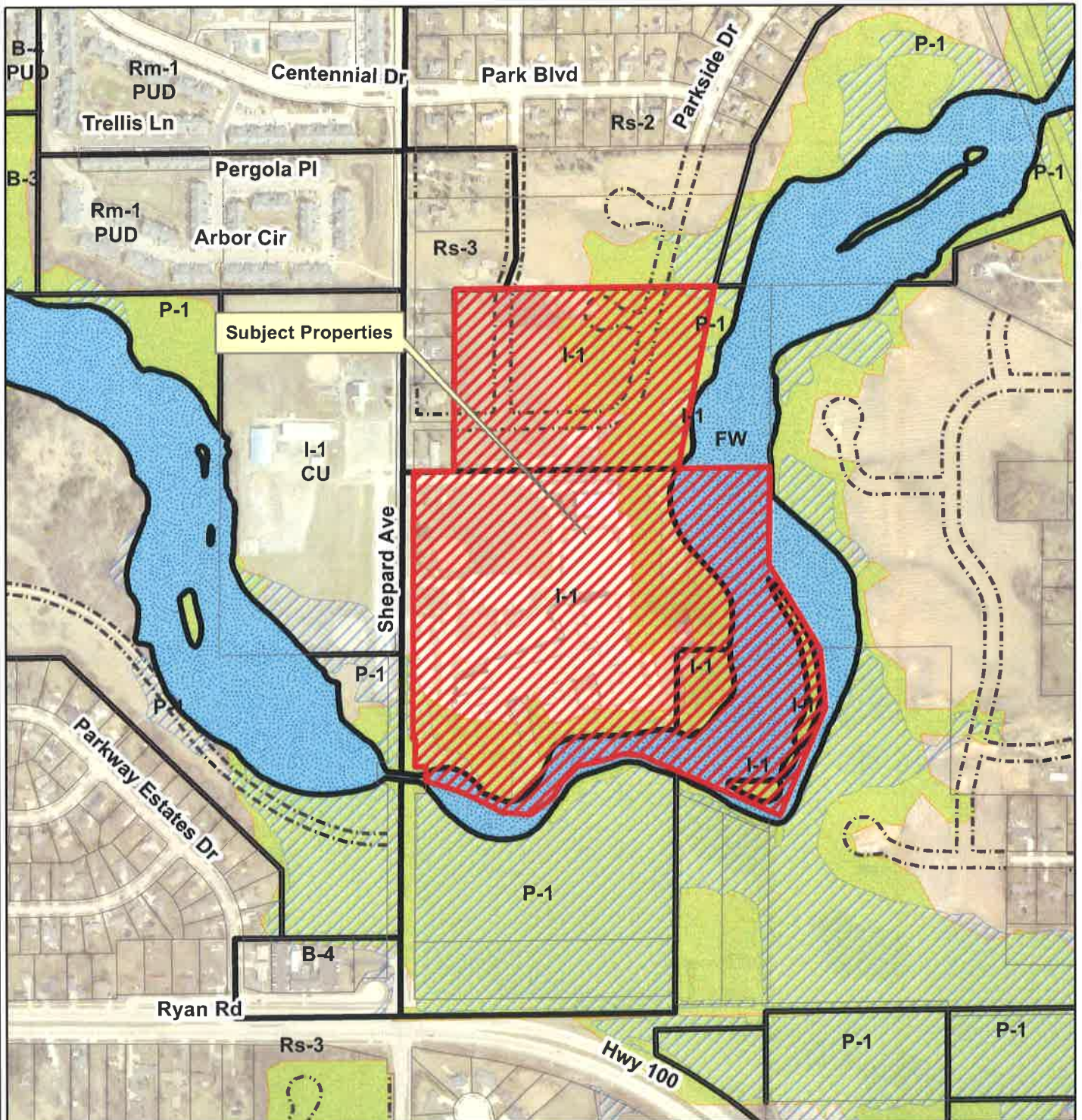
**mb**  
 Nielsen Madsen + Barber  
 CIVIL ENGINEERS AND LAND SURVEYORS  
 1458 Horizon Blvd, Suite 200, Racine, WI, 53406  
 Tele: (262)634-5588 Website: www.nmbnc.net



Scale: 1" = 250'  
 Drawn By: JJC  
 DATE: 2-8-2019  
 2018.0374.02  
 Proposed Official Map Amendment  
 Oak Creek Franklin Joint  
 School District  
 East Middle School  
 Oak Creek, Wisconsin

# Location Map

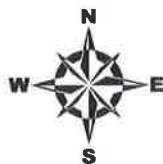
## 9330 S. Shepard Ave







This map is not a survey of the actual boundary of any property this map depicts.



Department of Community Development



### Legend

-  9330 S. Shepard Ave
-  Floodplain (2008)
-  Floodway (2008)
-  Environmental Corridor

TO BE PUBLISHED MARCH 20 & 27, 2019

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING  
BEFORE THE OAK CREEK COMMON COUNCIL**

**PURPOSE:** The purpose of this public hearing is to consider a proposal by the Oak Creek-Franklin Joint School District to amend the Official Map for a portion of Lot 1 of Certified Survey Map No. 8047 (mapped, unimproved future right-of-way affecting the property at 9330 S. Shepard Ave.).

**Hearing Date:** April 16, 2019  
**Time:** 7:00 PM  
**Place:** Oak Creek City Hall  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154  
Common Council Chambers

**Property Legal Description:**

A portion of Lot 1 of Certified Survey Map No. 8047, recorded on May 12, 2008, Reel 6855 as Document No. 9599081 in the Register of Deeds office for Milwaukee County (mapped, unimproved future right-of-way affecting the property at 9330 S. Shepard Ave.).

The Common Council has scheduled other public hearings for April 16, 2019 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

A copy of the proposed map amendment is available for review at the Department of Community Development.

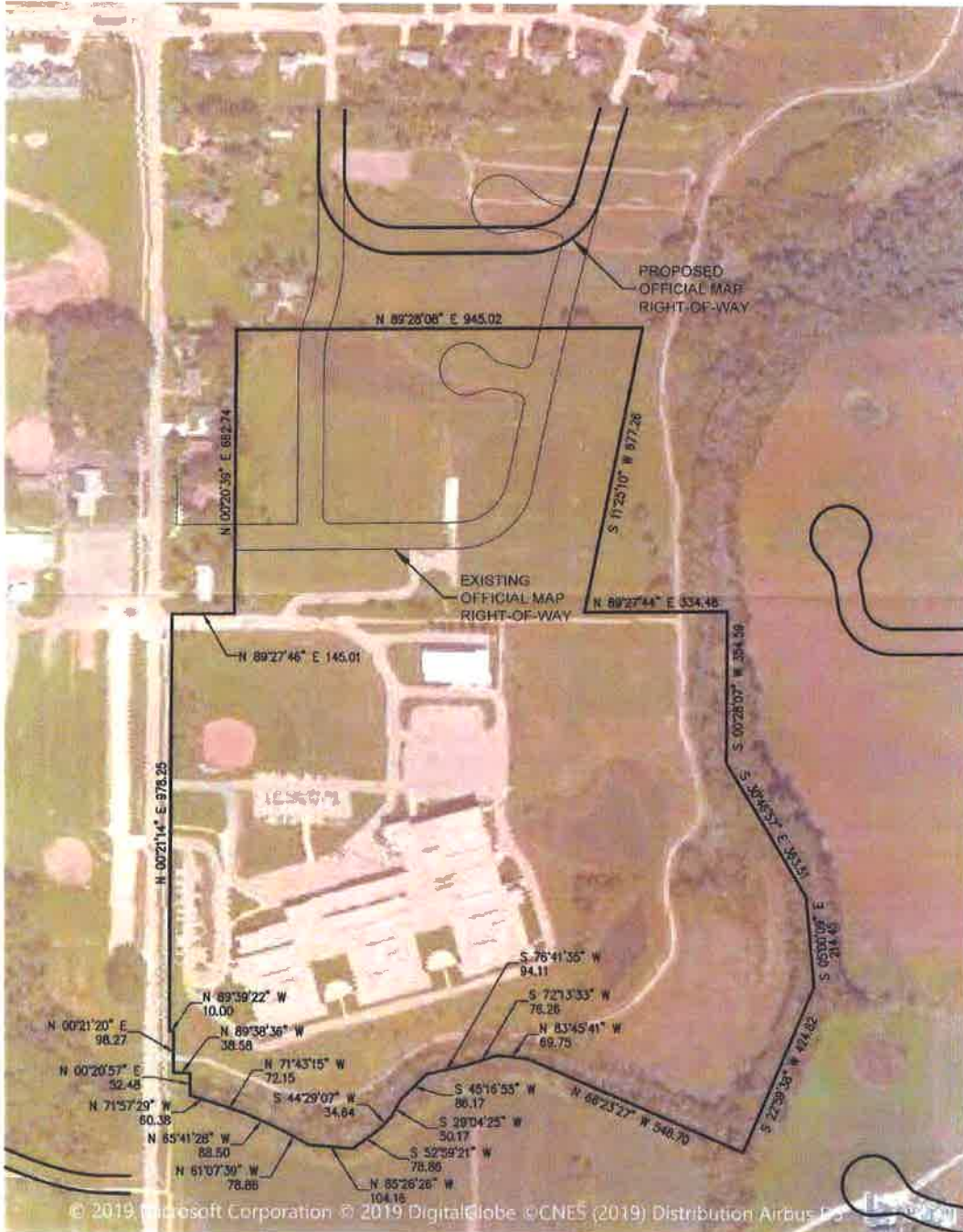
Any person(s) with questions regarding the proposed map amendment may contact the Department of Community Development at (414) 766-7000, during regular business hours.

Date of Notice: March 13, 2019  
CITY OF OAK CREEK COMMON COUNCIL  
By: Daniel J. Bukiewicz, Mayor

**PUBLIC NOTICE**

PLEASE NOTE: Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible, preferable a minimum of 48 hours. For additional information, or to request this service, contact the Oak Creek City Clerk at 766-7000, or by writing to the ADA Coordinator at the Health Department, City Hall, 8040 South 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154.

Lot 1 of Certified Survey Map No. 8047, recorded on May 12, 2008, Reel 6855 as Document No. 9599081, a redivision of Certified Survey Map 765 recorded in the Register of Deeds office for Milwaukee County in Reel 391, on Images 992-993, Document 4358120 and a redivision of Certified Survey Map 7189 recorded in the Register of Deeds office for Milwaukee County in Reel 5500, on Images 7293-7296, Document No. 8433965, being part of the Northwest 1/4 of the Southeast 1/4 and that part of the Southwest 1/4 of the Southeast 1/4 and a redivision of Certified Survey Map 6912 recorded in the Register of Deeds for Milwaukee County in Reel 4981, on Images 750 to 752 Document 8007497, being part of the Northeast 1/4, Northwest 1/4, Southeast 1/4 and the Southwest 1/4 of the Southeast 1/4 all in Section 21, Town 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.



7:13.47 AM

Friday, February 08, 2019



**Nielsen Madsen + Barber**  
 CIVIL ENGINEERS AND LAND SURVEYORS  
 1458 Horizon Blvd. Suite 200, Racine, WI. 53406  
 Tele: (262)634-5588 Website: www.nmbc.net



Scale: 1" = 250'  
 Drawn By: JJC  
 DATE: 2-8-2019  
 2018.0374.02  
 Proposed Official Map Amendment  
 Oak Creek Franklin Joint  
 School District  
 East Middle School  
 Oak Creek, Wisconsin



<p><b>C101</b></p> <p>CONCEPTUAL SITE PLAN 6.03</p>	<p><b>OAK CREEK FRANKLIN JOINT SCHOOL DISTRICT EAST MIDDLE SCHOOL ATHLETIC FIELD UPDATES</b></p> <p>BID PACKAGE # 9330 S SHEPARD AVE OAK CREEK, WI 53154</p>	<p>Nelson Madden &amp; Barber</p>	<p><b>NECUS SOLUTIONS</b></p> <p>1000 W. WISCONSIN ST. MILWAUKEE, WI 53233 TEL: 414.224.1100 WWW.NECUS-SOLUTIONS.COM</p>
---	--	-----------------------------------	--

CITY OF OAK CREEK  
 FEB 11 2019  
 RECEIVED



## COMMON COUNCIL REPORT

**Item:** Rubber Play Surface Installation

**Recommendation:** That the Common Council considers a motion to award the Lake Vista Park Rubber Play Surface Installation unit price contract to Blumel's Maintenance Service, Inc., at the estimated cost of \$48,260.00. (Project No. 19022) (4<sup>th</sup> District)

**Fiscal Impact:** This project was planned for and approved in the 2019 CIP budget process. Funds are reserved under Project No. 19022.

- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

**Background:** Lake Vista Park has had problems with water runoff from precipitation events and snow melt in two areas of the playground. The sand play area gets saturated and collects water. The area under the zip line, floods and washes away the wood chips making it noncompliant with fall standards for children using the equipment.

Because of these issues, the Public Works Department requested in the 2019 budget process to convert these two problem areas to rubber play surfaces. Most of the other play areas already have this rubber surface and it appears to be functioning fine and holding up well.

The Public Works Department worked with Engineering for the design and bid documents. The project was publicly advertised for bid. Just one bid was received, by Blumel's. This is the same contractor that installed the rubber surface in the other play areas of the park. This is fairly specialized work, so it is not overly surprising that there were not multiple bids received.

The recommendation is to award the contract to Blumel's Maintenance Service, Inc. for their unit bid price of \$48,260.00. This is a unit price contract, so payment will be made on actual measured field quantities constructed.

**Options/Alternatives:** To not proceed with the project would mean that the water issues and related maintenance efforts and inconvenience to park visitors will remain.

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

Ted Johnson  
DPW Director

Fiscal Review:

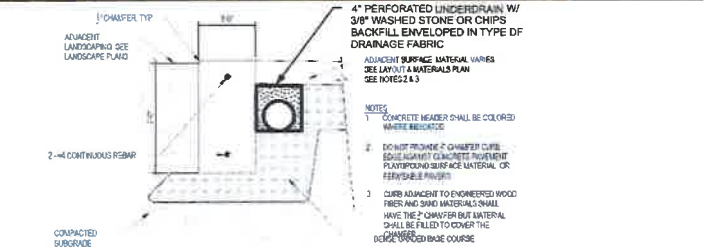
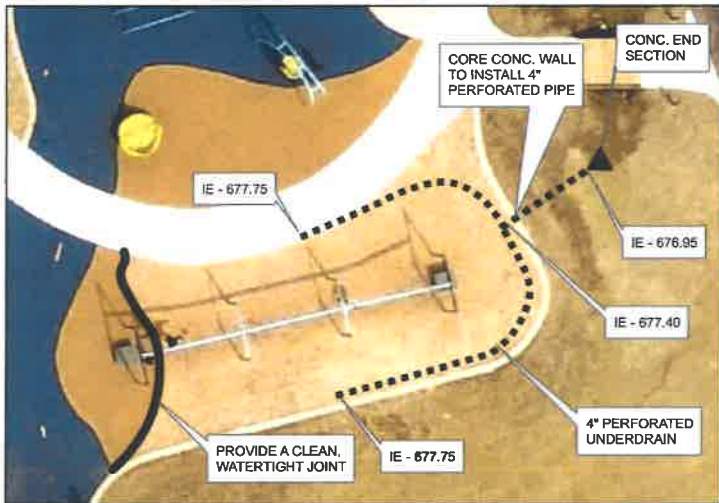
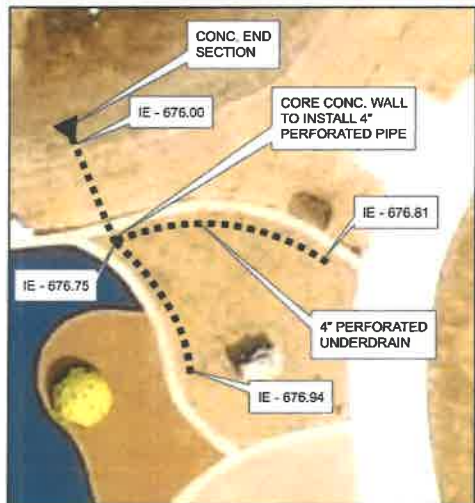


Bridget M. Souffrant

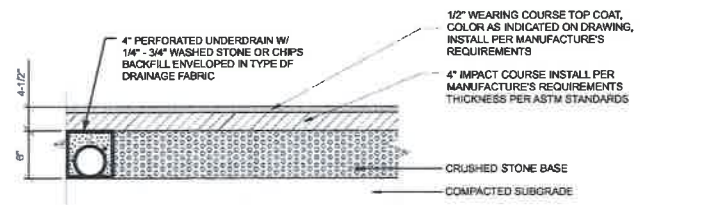
Assistant City Administrator/Comptroller

---

Attachments: Location/Playground Graphic

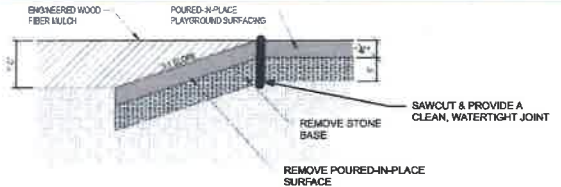


**EX. CONC. WALL SECTION**



**PROP. SURFACE SECTION**

**NOTES:**  
1) WEARING COURSE THICKNESS = 1/2"



**EX. SURFACE SECTION**

SA						CITY OF OAK CREEK - ENGINEERING DEPARTMENT		
ST								
W	DESIGNED BY	DATE	DRAWN BY	DATE	CHECKED BY	DATE	APPROVED BY	
G	M. SIMMONS	3/19	M. SULLIVAN	3/19	M. SIMMONS	3/19		
E	<b>RUBBERIZED PLAY SURFACE</b>						CITY ENGINEER	DATE
T							SCALE	SHEET
I							PLAN	1
TE							HOR	N/A
PP							PROFILE	OF
							HOR	N/A
							VER.	1
							N/A	
APPROVED BY COUNCIL RESOLUTION NO.							FILE NO:	





## COMMON COUNCIL REPORT

- Item:** Certified Survey Map - 1700, 1750, 1800, 1816, 1848, 1850, 1900, & 1920 W. Drexel Ave. and 7700 S. Ikea Way
- Recommendation:** That the Council adopts Resolution No. 12055-041619, a resolution approving a Certified Survey Map for Walden OC, LLC, for the properties at 1700, 1750, 1800, 1816, 1848, 1850, 1900, & 1920 W. Drexel Ave. and 7700 S. Ikea Way.
- Fiscal Impact:** The proposed CSM will combine and reconfigure several existing lots into one (1) parcel of conforming size for future development. Development of the parcel with an anticipated mixed-use development will yield positive fiscal impact in terms of assessed value, permit and review fees, and impact fees. Some of these properties are part of TID 12.
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

**Background:** The Applicant is requesting approval for a Certified Survey Map (CSM) to combine and reconfigure the properties at 1700, 1750, 1800, 1816, 1848, 1850, 1900, & 1920 W. Drexel Ave. and 7700 S. Ikea Way into one (1) conforming commercial development parcel. While a CSM combining all of the properties except for 1920 W. Drexel Ave. was approved in 2017, it was never recorded and has expired. Thus, the Applicant is presenting this updated CSM for review and approval.

Part of the proposed parcel consolidation and reconfiguration includes the parcel at 1920 W. Drexel Ave., which currently contains the public right-of-way infrastructure for Ikea Way. A Quit Claim Deed has been executed between the City and Walden OC, LLC for a portion of this parcel, which will become part of the proposed Lot 1. Council may recall that this parcel was rezoned to I-1, Institutional in 2017 as it was owned by the City for public infrastructure and stormwater purposes, with no plans for any other development at the time. Since a portion of this will become part of the overall development parcel owned by Walden OC, LLC, a rezone will be required and can be included as part of the anticipated Planned Unit Development proposal.

Access for the future mixed-use development on these parcels was approved by the Plan Commission on July 24, 2018. One (1) full roadway access with signalized intersection and sidewalks was approved on Ikea Way on the 7700 S. Ikea Way parcel. A 22-foot-wide private right-in entrance was also approved on the parcel at 1816 W. Drexel Ave. Sidewalks on Drexel Ave. in the vicinity of the proposed private access were included in the approved plan. These access points were chosen based on the results of a Traffic Impact Analysis (TIA), safety concerns, and local design requirements. Therefore, "no access" restrictions are required on the CSM, and should appear on Sheet 1 (currently shown on Sheet 2).

---

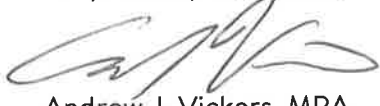
The Plan Commission reviewed the CSM proposal at their meeting on April 9, 2019, and recommended approval with the following conditions:

1. That the map is revised to include the “no access” restrictions along Ikea Way and Drexel Ave. on Sheet 1.
2. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

**Options/Alternatives:** Council has the discretion to modify the conditions of Certified Survey Map approval, or deny the request. Disapproval will likely result in the existing condition of the property to remain as vacant, underutilized lots.

---

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



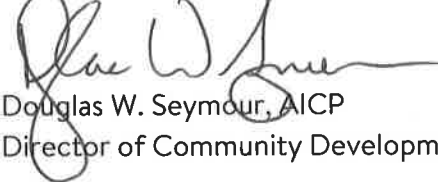
Kari Papelbon, CFM, AICP  
Planner

Fiscal Review:



Bridget M. Souffrant  
Finance Director/Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

---

Attachments:

Resolution 12055-041619

Location Map

Approved Access Plan (1 page, for reference)

Certified Survey Map (Sheets 1-8)

RESOLUTION NO. 12055-041619

BY: \_\_\_\_\_

A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR  
WALDEN OC, LLC

1700, 1750, 1800, 1816, 1848, 1850, 1900, & 1920 W. DREXEL AVE.  
AND 7700 S. IKEA WAY  
(2<sup>nd</sup> Aldermanic District)

WHEREAS, WALDEN OC, LLC, hereinafter referred to as the subdivider, has submitted a certified survey map in compliance with all statutory requirements; and

WHEREAS, the subdivider has complied with all of the applicable ordinances and resolutions of the City of Oak Creek, and

WHEREAS, the Plan Commission has recommended that this certified survey map be approved, subject to the following conditions:

1. That the map is revised to include the "no access" restrictions along Ikea Way and Drexel Ave. on Sheet 1.
2. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

NOW, THEREFORE, BE IT RESOLVED that this certified survey map, in the City of Oak Creek, Wisconsin, is hereby approved by the Common Council subject to the following conditions:

1. That the map is revised to include the "no access" restrictions along Ikea Way and Drexel Ave. on Sheet 1.
2. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 16<sup>th</sup> day of April, 2019.

Passed and adopted this 16<sup>th</sup> day of April, 2019.

\_\_\_\_\_  
President, Common Council

Approved this 16<sup>th</sup> day of April, 2019.

ATTEST:

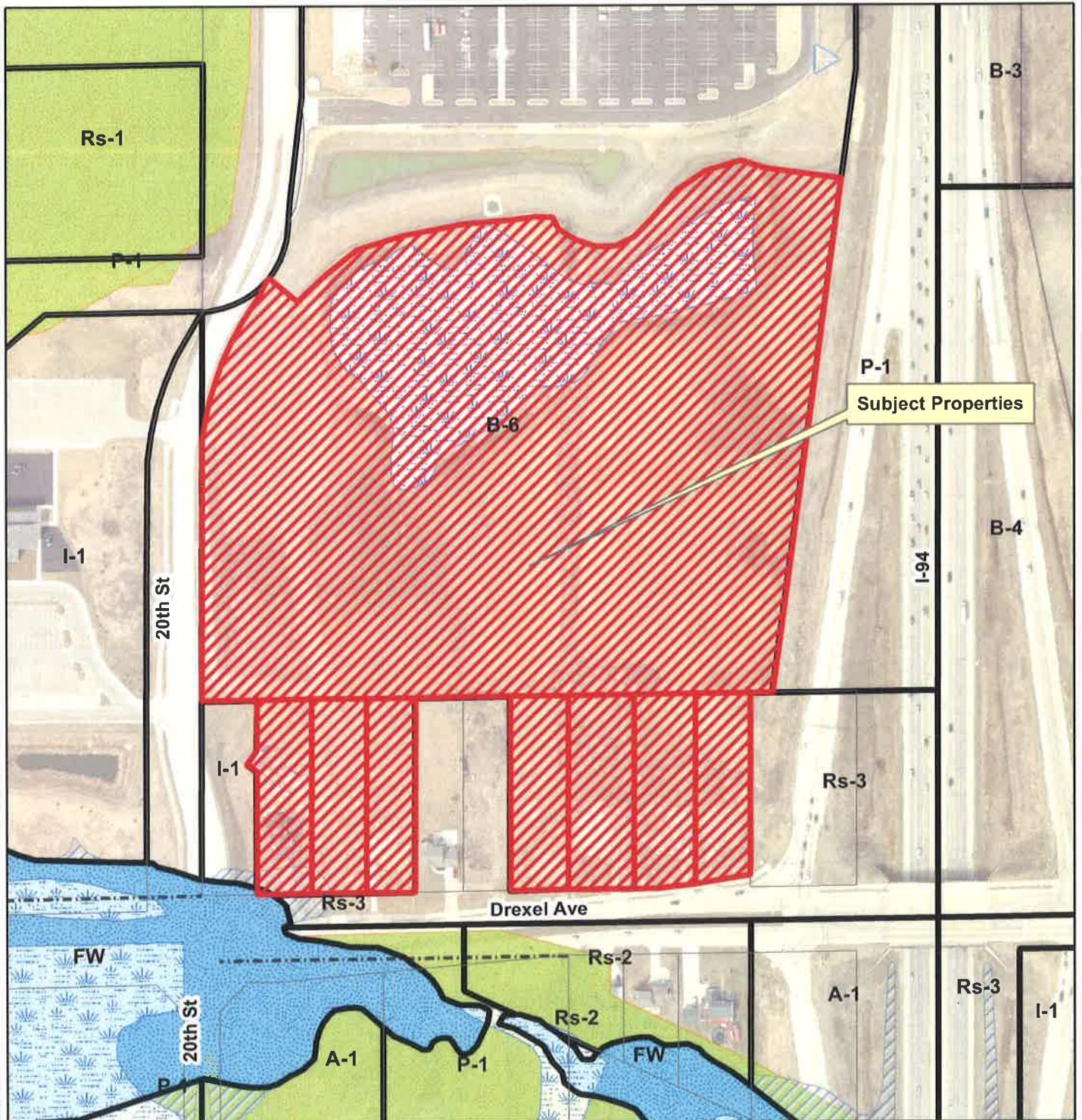
\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

VOTE: Ayes \_\_\_\_\_ Noes \_\_\_\_\_

# Location Map

## 1900 W. Drexel Ave.






*This map is not a survey of the actual boundary of any property this map depicts.*



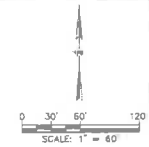
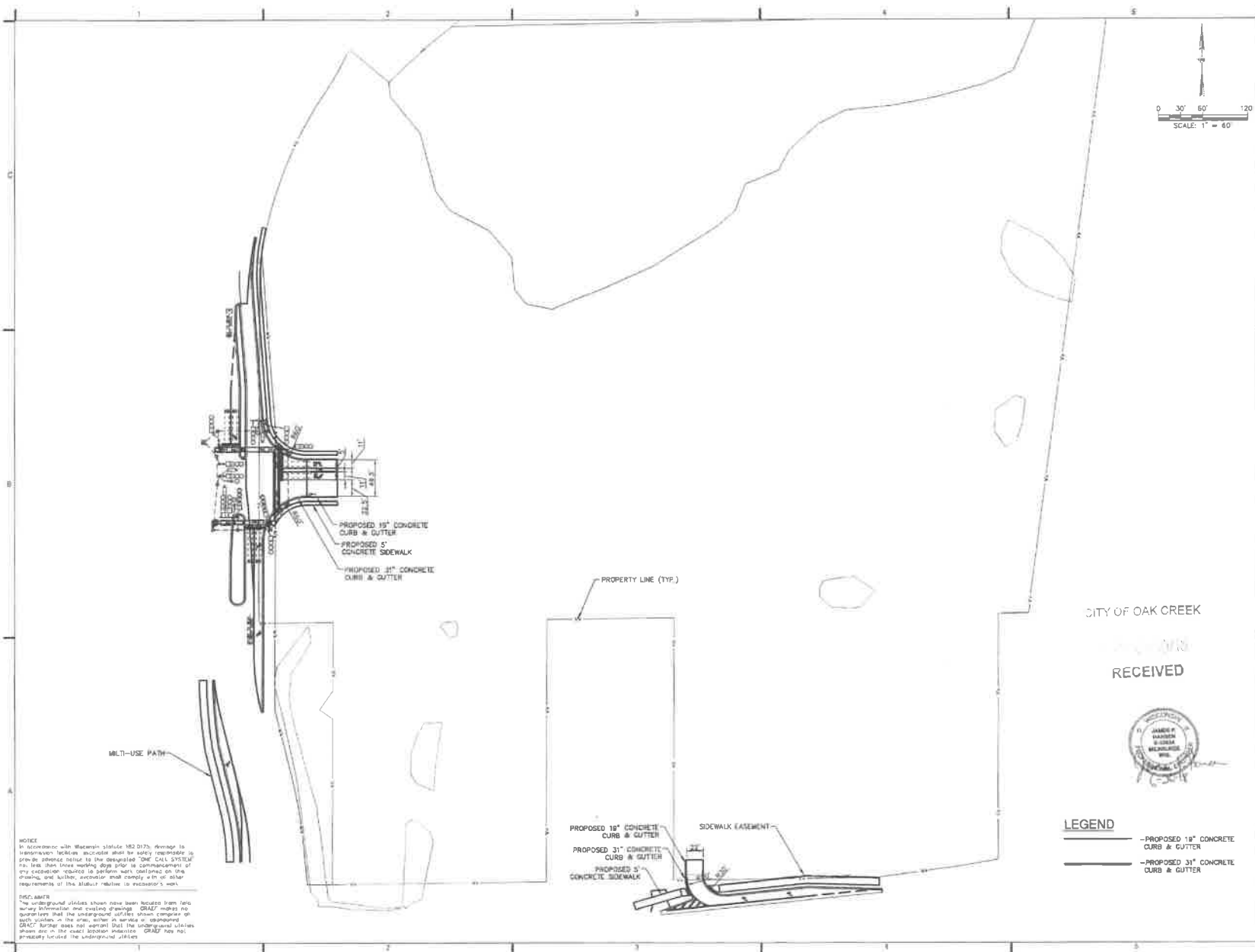
Department of Community Development



### Legend

- |   |                           |   |                        |
|---|---------------------------|---|------------------------|
|  | Subject Properties        |  | Floodplain (2008)      |
|  | Officially Mapped Streets |  | Floodway (2008)        |
|  | DNR Wetland Inventory     |  | Environmental Corridor |

X:\M\1016020160229\CAD\DWG\AWAY\016\_00\_C300\_Overall Site Layout\_0228.dwg  
6/16/2018 8:47 AM



One Honey Creek Corporate Center  
125 South 84th Street, Suite 401  
Milwaukee, WI 53214-1469  
414 / 259 1500  
414 / 259 0037 fax

www.graef-usa.com

CLIENT:  
WALDEN OC, LLC

PROJECT TITLE  
CREEK SIDE CROSSING MARKET PLACE



PLAN COMMISSION SUBMITTAL

NO.	DATE	REVISIONS	BY

CITY OF OAK CREEK

RECEIVED



**LEGEND**

- PROPOSED 18" CONCRETE CURB & GUTTER
- PROPOSED 31" CONCRETE CURB & GUTTER

**PROJECT INFORMATION:**

PROJECT NUMBER: 2016-0239.01  
DATE: 06-26-2018  
DRAWN BY: TRY  
CHECKED BY: MAC  
APPROVED BY: JPH  
SCALE: AS NOTED

SHEET TITLE:  
OVERALL SITE LAYOUT PLAN

SHEET NUMBER:

**C300**

**NOTICE:**  
In accordance with Wisconsin statute MS D175, damage to transmission facilities is considered when the safety requirements in these drawings, when taken in conjunction with the applicable Code, are less than those required by the Code. It is the responsibility of the contractor to perform work in accordance with the drawings and to take all necessary precautions to comply with all requirements of the statute relative to transmission work.

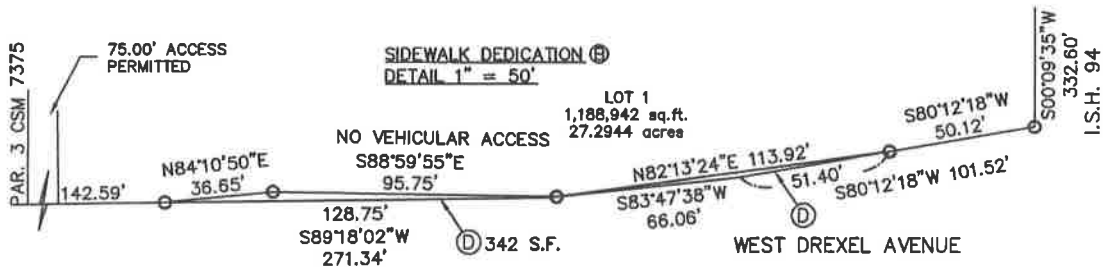
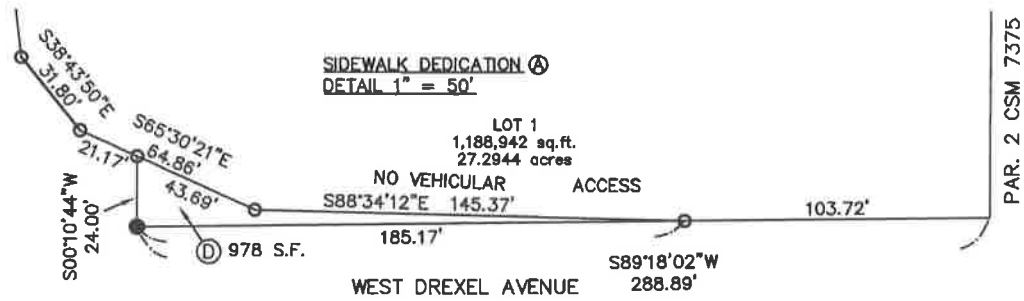
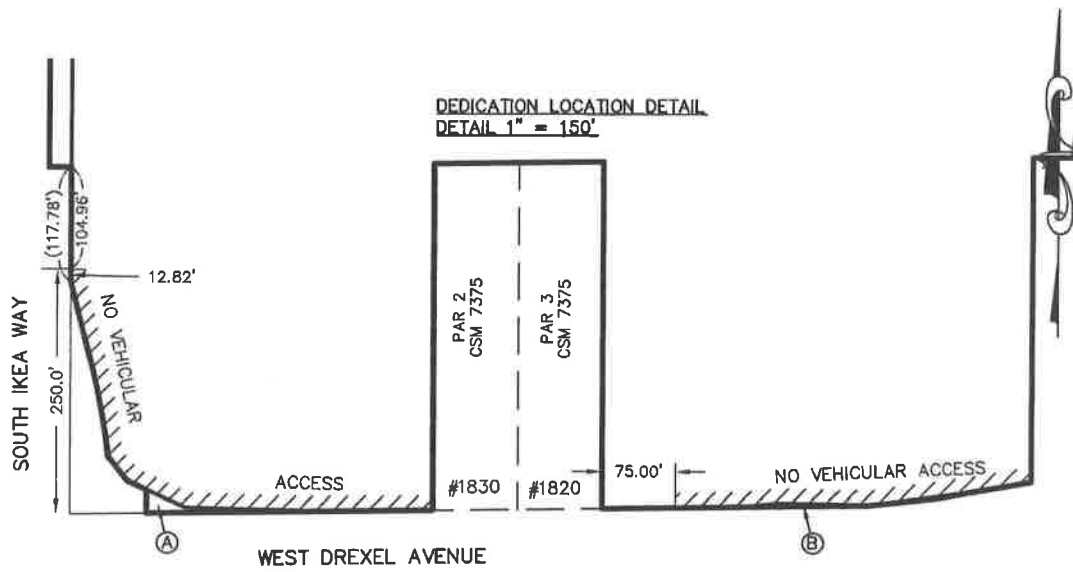
**DISCLAIMER:**  
The underground utilities shown have been located from field survey information and existing drawings. GRAEF makes no guarantee that the underground utilities shown compare to actual utilities in the area or to any other utility. GRAEF further does not warrant that the underground utilities shown are in the exact location indicated. GRAEF has not physically located the underground utilities.



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A division of Parcel 1 and part of Parcels 2 & 3 of Certified Survey Map No. 5590, Parcels 2 & 3 of Certified Survey Map No. 7331, part of Parcel 1 of Certified Survey Map No. 7331, Parcel 1 of Certified Survey Map No. 7375, Lot 2 of Certified Survey Map No. 8851 and lands, all being a part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

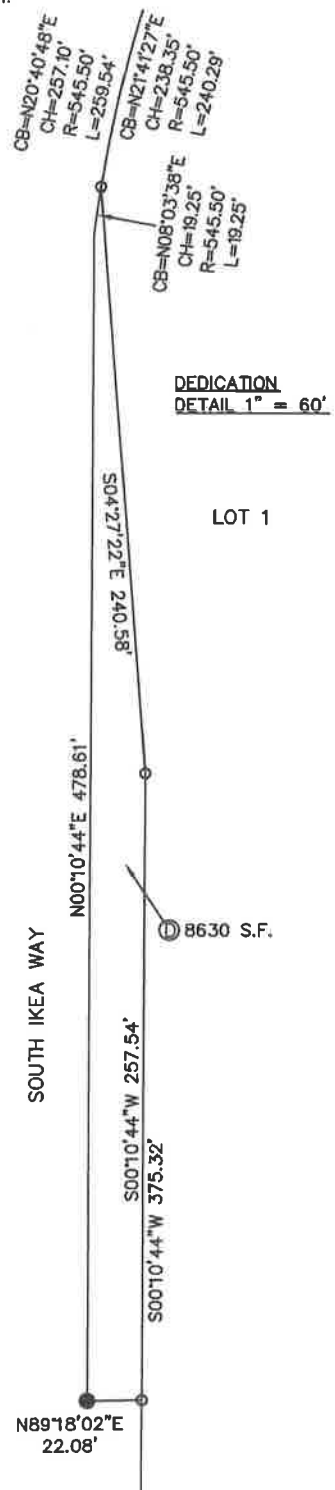
Ⓧ - INDICATES DEDICATED TO THE CITY OF OAK CREEK FOR STREET PURPOSES





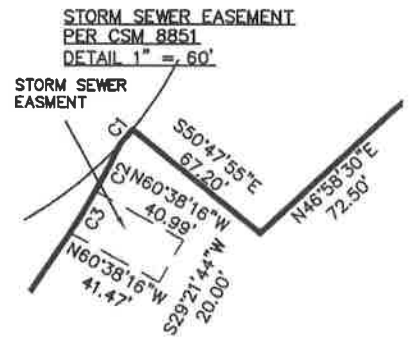
# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A division of Parcel 1 and part of Parcels 2 & 3 of Certified Survey Map No. 5590, Parcels 2 & 3 of Certified Survey Map No. 7331, part of Parcel 1 of Certified Survey Map No. 7331, Parcel 1 of Certified Survey Map No. 7375, Lot 2 of Certified Survey Map No. 8851 and lands, all being a part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.



**DEDICATION**  
**DETAIL 1" = 60'**

**LOT 1**



Curve #	Length	Radius	Chord Bearing	Chord
C1	7.48	159.48	S40°32'42"W	7.48
C2	22.05	331.66	S27°07'40"W	22.05
C3	20.01	331.66	N30°45'39"E	20.01

S:\5165346\dwg\CS411L.dwg, SHEET 3, 12/18/2018 11:13:44 AM, .bdg

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A division of Parcel 1 and part of Parcels 2 & 3 of Certified Survey Map No. 5590, Parcels 2 & 3 of Certified Survey Map No. 7331, part of Parcel 1 of Certified Survey Map No. 7331, Parcel 1 of Certified Survey Map No. 7375, Lot 2 of Certified Survey Map No. 8851 and lands, all being a part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

**NORTH BOUNDARY LINE TABLE**

Line #	Direction	Length
L1	S50°47'55"E	67.20
L2	N46°58'30"E	72.50
L3	N51°44'32"E	70.43
L4	N72°59'23"E	88.02
L5	N79°13'30"E	111.26
L6	N85°23'38"E	86.90
L7	N82°11'13"E	44.43
L8	S87°35'31"E	30.93
L9	S27°19'30"E	23.77
L10	S57°38'45"E	35.90
L11	S72°20'25"E	41.69
L12	N88°10'25"E	35.47
L13	N62°58'12"E	35.49
L14	N43°51'41"E	49.17
L15	N41°56'30"E	66.78
L16	N55°55'26"E	61.54
L17	N73°37'33"E	67.23
L18	S72°03'08"E	47.46
L19	S82°18'23"E	139.86

**SOUTHWEST BOUNDARY LINE & CURVE TABLE**

L20	N00°10'44"E	24.00
L21	N65°30'21"W	21.17
L22	N38°43'50"W	31.80
L23	S89°18'02"W	22.08

Curve #	Length	Radius	Chord Bearing	Chord
C4	90.45	645.00	N10°00'09"W	90.38

**WETLAND LINE TABLE**

Line Table		
Line #	Direction	Length
L24	S21°10'59"E	38.58
L25	S01°17'48"E	66.19
L26	S15°56'15"E	46.87
L27	S23°30'25"W	85.31
L28	S65°31'53"W	42.39
L29	S75°07'56"W	68.65
L30	S78°48'05"W	56.49
L31	S84°17'52"W	66.17
L32	S64°08'22"W	40.91
L33	S48°11'42"W	53.10
L34	S27°57'32"W	31.47
L35	S67°50'56"W	49.11
L36	S21°02'20"W	38.53
L37	S50°18'36"W	31.48
L38	S58°08'05"W	40.51
L39	S58°14'12"W	62.13
L40	S66°27'41"W	72.99
L41	S68°47'56"W	43.52
L42	S66°13'31"W	30.71
L43	N78°27'45"W	36.21
L44	N38°12'35"W	25.87
L45	N05°03'10"W	42.27

**WETLAND LINE TABLE**

Line Table		
Line #	Direction	Length
L46	N39°38'55"W	46.72
L47	N63°02'32"W	59.98
L48	N37°34'09"W	31.08
L49	N15°18'46"W	82.41
L50	N39°06'45"W	64.21
L51	N04°40'38"W	18.87

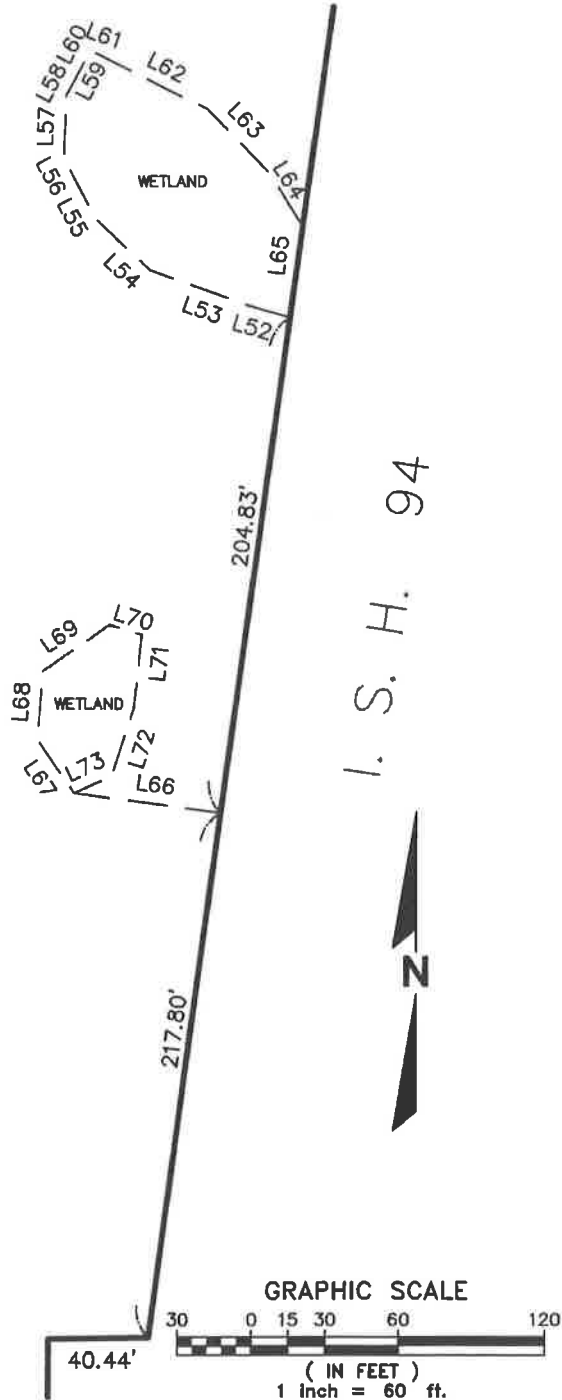
S:\5165346\dwg\CS411L.dwg, SHEET 4, 12/18/2018 11:17:24 AM, b.dg

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A division of Parcel 1 and part of Parcels 2 & 3 of Certified Survey Map No. 5590, Parcels 2 & 3 of Certified Survey Map No. 7331, part of Parcel 1 of Certified Survey Map No. 7331, Parcel 1 of Certified Survey Map No. 7375, Lot 2 of Certified Survey Map No. 8851 and lands, all being a part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

WETLAND LINE TABLE

Line Table		
Line #	Direction	Length
L52	N73°44'30"W	21.46
L53	N70°08'45"W	38.28
L54	N46°20'03"W	30.41
L55	N27°28'34"W	19.25
L56	N27°28'34"W	8.93
L57	N2°12'08"E	26.02
L58	N27°45'33"E	12.61
L59	N27°45'34"E	4.09
L60	N27°45'26"E	3.48
L61	S70°17'17"E	3.25
L62	S62°55'45"E	50.02
L63	S43°55'17"E	37.48
L64	S31°36'33"E	24.16
L65	S7°41'37"W	37.77
L66	N82°18'23"W	59.72
L67	N34°17'18"W	26.63
L68	N4°05'06"E	28.07
L69	N54°51'59"E	33.02
L70	S72°53'51"E	13.60
L71	S5°42'37"W	30.15
L72	S17°49'10"W	29.41
L73	S64°59'00"W	16.55



## CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A division of Parcel 1 and part of Parcels 2 & 3 of Certified Survey Map No. 5590, Parcels 2 & 3 of Certified Survey Map No. 7331, part of Parcel 1 of Certified Survey Map No. 7331, Parcel 1 of Certified Survey Map No. 7375, Lot 2 of Certified Survey Map No. 8851 and lands, all being a part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

### SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN        }  
  :SS  
WAUKESHA COUNTY         }

I, JOHN P. CASUCCI, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a division of Parcel 1 and part of Parcels 2 & 3 of Certified Survey Map No. 5590, Parcels 2 & 3 of Certified Survey Map No. 7331, Parcel 1 of Certified Survey Map No. 7375, part of Parcel 1 of Certified Survey Map No. 7331 Lot 2 of Certified Survey Map No. 8851 and lands, all being a part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, which is bounded and described as follows:

COMMENCING at the Southwest corner of said 1/4 Section; thence North 00° 10' 44" East 415.00 feet to a point in the East line of South Ikea Way and the point of beginning of lands to be described; thence continuing North 00° 10' 44" East along said East line 478.61 feet to a point; thence Northeasterly 259.54 feet along said East line and an arc of a curve whose center lies to the Southeast, whose radius is 545.50 feet, and whose chord bears North 20° 40' 48" East 257.10 feet to a point; thence Northeasterly 52.60 feet along said East line and an arc of a curve whose center lies to the Northwest, whose radius is 331.66 feet and whose chord bears North 29° 45' 59" East 52.55 feet to a point; thence Northeasterly 7.48 feet along said East line and an arc of a curve whose center lies to the Northwest, whose radius is 159.48 feet, and whose chord bears North 40° 32' 42" East 7.48 feet to the Southwest corner of Lot 1 of Certified Survey Map No. 8851; thence South 50° 47' 55" East along the South line of said Lot 67.20 feet to a point; thence North 46° 58' 30" East along said South line 72.50 feet to a point; hence North 51° 44' 32" East along said South line 70.43 feet to a point; thence North 72° 59' 23" East along said South line 88.02 feet to a point; thence North 79° 13' 30" East along said South line 111.26 feet to a point; thence North 85° 23' 38" East along said South line 86.90 feet to a point; thence North 82° 11' 13" East along said South line 44.43 feet to a point; thence South 87° 35' 31" East along said South line 30.93 feet to a point; thence South 27° 19' 30" East along said South line 23.77 feet to a point; thence South 57° 38' 45" East along said South line 35.90 feet to a point; thence South 72° 20' 25" East along said South line 41.69 feet to a point; hence North 88° 10' 25" East along said South line 35.47 feet to a point; thence North 62° 58' 12" East along said South line 35.49 feet to a point; thence North 43° 51' 41" East along said South line 49.17 feet to a point; thence North 41° 56' 30" East along said South line 66.78 feet to a point; thence North 55° 55' 26" East along said South line 61.54 feet to a point; thence North 73° 37' 33" East along said South line 67.23 feet to a point; thence South 72° 03' 08" East along said South line 47.46 feet to a point; thence South 82° 18' 23" East along said South line 139.86 feet to a point in the West line of Interstate Highway 94; thence South 07° 41' 37" West along said West line 944.62 feet to a point; thence South 89° 18' 02" West along said West line 40.44 feet to a point; thence South 00° 09' 35" West along said West line 332.60 feet to a point in the North line of West Drexel Avenue; thence South 80° 12' 18" West along said North line 101.52 feet to a point; thence South 83° 47' 38" West along said North line 66.06 feet to a point; thence South 89° 18' 02" West along said North line 271.34 feet to the Southeast corner of Parcel 3 in Certified Survey Map No. 7375; thence North 00° 09' 35" East along the East line of said Map 354.99 feet to the Northeast corner of said Map; thence South 89° 18' 02" West along the North line of said Map 172.00 feet to the Northwest corner of Parcel 2 of said Certified Survey No. 7375; thence South 00° 09' 35" West along the West line of said Parcel 354.99 feet to a point in the North line of West Drexel Avenue; thence South 89° 18' 02" West along said North line 288.89 feet the Southeast corner of Parcel 1 of Certified Survey Map No. 7331; thence North 00° 10' 44" East 24.00 feet to a point; thence North 65° 30' 21" West 21.17 feet to a point; thence North 38° 43' 50" West 31.80 feet to a point;

(continued on Sheet 6)

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A division of Parcel 1 and part of Parcels 2 & 3 of Certified Survey Map No. 5590, Parcels 2 & 3 of Certified Survey Map No. 7331, part of Parcel 1 of Certified Survey Map No. 7331, Parcel 1 of Certified Survey Map No. 7375, Lot 2 of Certified Survey Map No. 8851 and lands, all being a part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE (continued)

(continued from Sheet 5)

thence Northwesterly 90.45 feet along an arc of a curve whose center lies to the Southwest, whose radius is 645.00 feet and whose chord bears North 10° 00' 09" West 90.38 feet to a point; thence North 14° 01' 11" West 92.42 feet to a point; thence North 00° 10' 44" East 117.78 feet to a point; thence South 89° 18' 02" West 22.08 feet to the point of beginning.

Said land contains 1,198,892 square feet or 27.5228 acres.

THAT I have made the survey, land division and map by the direction of WALDEN OC, LLC owners.

THAT the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with Chapter 236 of the Wisconsin Statutes and Chapter 14 of the City of Oak Creek Municipal Code in surveying, dedicating, dividing and mapping the same.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JOHN P. CASUCCI (SEAL)  
PROFESSIONAL LAND SURVEYOR S-2055

OWNER'S CERTIFICATE

As owners, WALDEN OC, LLC, hereby certify that we have caused the land described on this map, to be surveyed, divided, dedicated and mapped as represented on this Certified Survey Map in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and Chapter 14 of the City of Oak Creek Municipal Code

WALDEN OC, LLC, as owners, does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of Oak Creek

\_\_\_\_\_

STATE OF WISCONSIN }  
                                  }SS  
MILWAUKEE COUNTY }

PERSONALLY came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above named \_\_\_\_\_, to me known to be the persons who executed the foregoing instrument.

\_\_\_\_\_  
(SEAL)  
Notary Public, State of Wisconsin  
My commission expires \_\_\_\_\_

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A division of Parcel 1 and part of Parcels 2 & 3 of Certified Survey Map No. 5590, Parcels 2 & 3 of Certified Survey Map No. 7331, part of Parcel 1 of Certified Survey Map No. 7331, Parcel 1 of Certified Survey Map No. 7375, Lot 2 of Certified Survey Map No. 8851 and lands, all being a part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

PLANNING COMMISSION OF APPROVAL

Certified Survey Map accepted by the Planning Commission of the City of Oak Creek on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
MAYOR DANIEL BUKIEWICZ, CHAIRMAN

\_\_\_\_\_  
DOUGLAS SEYMOUR, SECRETARY

COMMON COUNCIL APPROVAL & DEDICATION ACCEPTANCE

Certified Survey Map approved by the Common Council of the City of Oak Creek on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Resolution No. \_\_\_\_\_.

\_\_\_\_\_  
DANIEL BUKIEWICZ, MAYOR

\_\_\_\_\_  
CATHERINE ROESKE, CITY CLERK

## COMMON COUNCIL REPORT

**Item:** Release from Development Agreement

**Recommendation:** That the Common Council adopts Resolution No. 12054-041619, a resolution issuing a release from the Development Agreement for StorageShopUSA - Oak Creek LLC, at 331 and 401 E. Oak Street. (Tax Key Nos. 733-0008-000 & 733-0009-000) (1<sup>st</sup> Aldermanic District)

**Fiscal Impact:** Costs to construct the sanitary sewer were borne entirely by the Developer. Because the sewer is classified as a private interceptor sewer, ownership and ongoing maintenance responsibilities remain with the property owner.

**Critical Success Factor(s):**

- Vibrant and Diverse Cultural Opportunities
- Thoughtful Development and Prosperous Economy
- Safe, Welcoming, and Engaged Community
- Inspired, Aligned, and Proactive City Leadership
- Financial Stability
- Quality Infrastructure, Amenities, and Services
- Not Applicable

---

**Background:** StorageShopUSA - Oak Creek LLC developed the properties at 331 and 401 E. Oak Street into a five-unit storage condominium complex. Because the development includes five units that are to be served by one sanitary sewer, the sewer is classified as a private interceptor sewer. As a private interceptor sewer it was subject to MMSD's approval to its design standards and thus had to be designed and constructed under the terms of a Development Agreement with the City.

**Options/Alternatives:** To not release the developer after his satisfactory execution of his responsibilities under the agreement could potentially have legal ramifications.

---

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Michael C. Simmons, PE  
City Engineer

Fiscal Review:



Bridget M. Souffrant  
Assistant City Administrator/Comptroller

---

Attachments: Resolution No. 12054-041619, Development Agreement Release Document

**RESOLUTION NO. 12054-041619**

**BY: \_\_\_\_\_**

**RESOLUTION ISSUING A RELEASE FROM THE DEVELOPMENT AGREEMENT  
FOR STORAGESHOPUSA- OAK CREEK LLC**

**331 & 401 E. OAK STREET**

**(1<sup>ST</sup> ALDERMANIC DISTRICT)**

WHEREAS, StorageShopUSA – Oak Creek LLC (“Developer”) and the City of Oak Creek (“City”) entered into a Development Agreement dated June 7, 2017 under Resolution No. 11827-060617 and recorded with the Milwaukee County Register of Deeds as Document No. 10682879; and

WHEREAS, the Developer has successfully constructed and installed all required utility improvements for said project at the expense of the Developer and in accordance with the plans and specifications conforming to applicable City ordinances and approved by the City; and

WHEREAS, the City Engineer certifies that all conditions and restrictions of the Development Agreement have been fully satisfied; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Oak Creek that the Developer is hereby released from the terms and conditions of the Development Agreement.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute said Release on behalf of the City, and upon execution by both the City and the Developer, the City Clerk is hereby directed to record said Release in the Office of the Register of Deeds in and for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 16<sup>th</sup> day of April, 2019.

Passed and adopted this 16<sup>th</sup> day of April, 2019.

\_\_\_\_\_  
Common Council President Kenneth Gehl

Approved this 16<sup>th</sup> day of April, 2019.

\_\_\_\_\_  
Mayor Daniel J. Bukiewicz

ATTEST:

\_\_\_\_\_  
Catherine A. Roeske, City Clerk

VOTE: Ayes \_\_\_\_\_ Noes \_\_\_\_\_



12054-041619

RELEASE FROM STORAGE SHOP USA  
DEVELOPMENT AGREEMENT  
Document Title

Document Number

Recording Area

Name and Return Address

Douglas W. Seymour, Director  
Department of Community Development  
8040 S. 6<sup>th</sup> Avenue  
Oak Creek, WI 53154

733-0008-000 and 733-0009-000

Parcel Identification Number (PIN)

WHEREAS, THE CITY OF OAK CREEK, a municipal corporation of Milwaukee County, State of Wisconsin, hereinafter referred to as the "City", and, StorageShopUSA – Oak Creek LLC, 6810 Cross Country Road, Verona, WI 53593, and hereinafter referred to as "Developer", entered into a Development Agreement dated June 7, 2017 which was approved by Resolution No. 11827-060617 for StorageShop USA and more particularly described as follows;

WHEREAS, the Developer proposes to develop the following described lands situated in the City of Oak Creek, County of Milwaukee and State of Wisconsin, to-wit:

Lots 3 and 4 of Oakdale Heights being a recorded Plat and part of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section 4, Town 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northeast Corner of the Southwest Quarter (SW ¼) of above said Section 4 being marked by a concrete monument with brass cap; thence North 89°21'32" East along the north line of the Southwest Quarter (SW ¼) of said Section 4, 1019.65 feet (recorded as 1020.00'); thence South 00°37'01" West, 45.01 feet to the south right-of-way line of E. Oak Street and the place of beginning of the lands hereinafter described; thence North 89°21'32"

East, 300.00 feet along the south right-of-way line; thence South 00°37'01" West, 285.00 feet; thence South 89°21'32" West, 300.00 feet along the south line of said Lots 3 and 4 of Oakdale Heights; thence North 00°37'01" East, 285.00 feet along the west line of Lot 3 of above said Oakdale Heights a recorded subdivision to the place of beginning, containing a net area of 85,477 square feet or 1.962 acres of land.

WHEREAS, the Developer has completed the construction and installation of utility improvements in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and Chapter 14 of the Municipal Code of the City, and the City Engineer has certified the improvements; and

WHEREAS, the Development Agreement was recorded with the Milwaukee County Register of Deeds office on June 14, 2017, in Document #10682879; and

NOW, THEREFORE, in consideration of \$1.00 and other good and valuable consideration, to it in hand paid, receipt of which is herein acknowledged and confessed.

1. The Developer hereby certifies said utility improvements, to the City of Oak Creek forever, free and clear of all encumbrances whatsoever, together with and including any and all land, structures, mains, conduits, pipes, equipment, plant appurtenances and hereditaments, which in any way be a part of or pertain to such public facilities.
2. The Developer hereby warrants and will forever defend the title to the utility improvements, for the StorageShop USA project against all lawful claims of all persons whomsoever.
3. The Developer is hereby released and discharged from the terms of the Development Agreement.

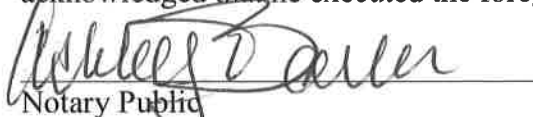
IN WITNESS WHEREOF, the parties hereto have executed this instrument under their several seals the day and year first above written, the name and corporate seal of each corporate body being hereto affixed and the instrument duly signed by its duly authorized representatives.

StorageShop USA – Oak Creek LLC

  
Greg Thompson

STATE OF WISCONSIN)  
(SS.  
DANE COUNTY)

Personally came before me this 20 day of March, 2019, the above-named, Greg Thompson, StorageShop USA – Oak Creek LLC, to me known to be the person who executed the foregoing instrument and to me known to be such Owner of said corporation, acknowledged that he executed the foregoing instrument as such Owner.

  
Notary Public

Dane County, Wisconsin

My commission expires 11/28/2021



CITY OF OAK CREEK

\_\_\_\_\_  
Daniel J. Bukiewicz, Mayor

Countersigned:

\_\_\_\_\_  
Catherine A. Roeske, City Clerk

STATE OF WISCONSIN)  
(SS.  
MILWAUKEE COUNTY)

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2019, DANIEL J. BUKIEWICZ, Mayor and CATHERINE A. ROESKE, City Clerk, of the above-named municipal corporation, CITY OF OAK CREEK, to me known to be the persons who executed the foregoing instrument to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers, as the deed of said municipal corporation, by its authority, and pursuant to Resolution No. \_\_\_\_\_ adopted by its Common Council on the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Melissa L. Karls, Notary Public  
Milwaukee County, Wisconsin  
My commission is permanent.

This document was drafted by Brian L. Johnston, P.E., of the City of Oak Creek Engineering Department.

Approved as to form:

\_\_\_\_\_  
Melissa L. Karls, City Attorney

**CERTIFICATE OF THE CITY ENGINEER**

I, Michael C. Simmons, City Engineer of the City of Oak Creek, do hereby certify:

That the construction and installation of utility improvements, installed by the Developer of the StorageShop USA, in the City of Oak Creek, have been completed in accordance with the approved designs, plans and specifications therefore, or in accordance with approved changes, variations, alterations and modifications; and

That the utility improvements are in satisfactory operating condition; and

That I further certify that the Developer has submitted satisfactory written evidence that they have paid all of the costs incurred in the construction and installation of said systems and improvements.

Dated this 5<sup>th</sup> day of April, 2019.



---

Michael C. Simmons, P.E  
City Engineer

## COMMON COUNCIL REPORT

- Item:** Award of 2019 Road Improvements Contract
- Recommendation:** That the Common Council considers a motion to award the 2019 Road Improvements unit price contract to the lowest responsive, responsible bidder, Payne & Dolan, Inc., at the estimated cost of \$1,318,164.45. (Project No. 19019)
- Fiscal Impact:** There is \$632,911 remaining in the 2018 road budget, \$665,437 in the 2019 road budget and \$42,000 in Safe Routes to School budget. This brings the total available funding to \$1,340,348 for the proposed road projects.
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

**Background:** The Common Council adopted Resolution No. 12021-121818, selecting and authorizing the 2019 road improvements for design and public bid. The Engineering Department prepared plans and specifications for the project, the work was advertised, and the following two bids were received:

Contractor	Bid
Payne & Dolan Inc.	\$1,318,164.45
Stark Pavement Corp.	\$1,387,992.15

This is a unit price contract, so bids have been evaluated based on estimated quantities. City payments to the contractor will reflect actual installed and measured quantities.

The bids reflect costs for completion of the road segment Nos. 1 - 9 and the crosswalk improvements Nos. 10-12 in the table below. Wildwood Drive has an LRIP grant tied to it. This is grant funding provided through WisDOT where up to 50% of the project costs get reimbursed to the City. Road Segment #8 (Pennsylvania Avenue) is a maintenance section where the goal is to apply a seal coating-type surface treatment as a way to preserve the still higher rated road at a good condition rating for longer, in effect pushing the need for a larger rehabilitation project further into the future. This is consistent with one of the main recommendations in the CIP Funding Alternatives white paper that was developed under the Financial Stability SAP initiative. The crosswalk improvements were recommendations outlined in the Safe Routes to School Action plan that was approved under Resolution No. 12033-030519 by the Common Council.

	Proposed Street	From	To	Length (Lin. Ft.)	Treatment Type
1	15 <sup>th</sup> Ave	Puetz Rd	Forest Hill Ave	2,643	Mill & asphalt surfacing
2	20 <sup>th</sup> St	Rawson Ave	N P/L 6930 20 <sup>th</sup> St	1,662	Mill & asphalt surfacing
3	Wildwood Dr	Drexel Ave	Wake Forest Dr	621	Repair & asphalt surfacing
4	Wildwood Dr	Wake Forest Dr	8129 Wildwood Dr	1,094	Repair & asphalt surfacing
5	Pennsylvania Ave	Drexel Ave	7339 Pennsylvania Ave	2,650	Mill & asphalt surfacing
6	Pennsylvania Ave	7339 Pennsylvania Ave	7149 Pennsylvania Ave	2,220	Mill & asphalt surfacing
7	Sunnyview Dr	Wood Creek Dr	Puetz Rd	2,495	Repair & asphalt surfacing
8	Pennsylvania Ave	Ryan Rd	Puetz Rd	5,307	Asphalt Sealing
9	Shire Pl	Shepard Ave	Cul-de-sac	308	Repair & asphalt surfacing
10	S Shepard Avenue and S Shepard Hills Drive Intersection				Crosswalk Improvements
11	S Monardy Lane and E Hazelbranch Lane Intersection				Crosswalk Improvements
12	E Bluestem Drive and Redcap Lane Intersection				Crosswalk Improvements

**Options/Alternatives:** To reject the bids and not repair road and pedestrian infrastructure in 2019, or to direct Engineering Department to rebid the project later in 2019 for construction in 2020.

Respectfully submitted:




Andrew J. Vickers, MPA  
City Administrator

Prepared:



Matthew J. Sullivan, PE  
Assistant City Engineer

Fiscal Review:



Bridget M. Souffrant  
Assistant City Engineer/Comptroller

Approved:



Michael C. Simmons, PE  
City Engineer



## COMMON COUNCIL REPORT

**Item:** PP/II Phase I Lateral Inspection Contract

**Recommendation:** That the Common Council considers a motion to award the Private Property Infiltration & Inflow (PP/II) Phase I Lateral Inspection unit price contract to Green Bay Pipe & TV LLC at the estimated cost of \$7,405.50. (Project No. 18035) (4<sup>th</sup> Aldermanic District)

**Fiscal Impact:** Funding for the project will come from CIP Project No. 18035, with full reimbursement from MMSD.

**Critical Success Factor(s):**

- Vibrant and Diverse Cultural Opportunities
- Thoughtful Development and Prosperous Economy
- Safe, Welcoming, and Engaged Community
- Inspired, Aligned, and Proactive City Leadership
- Financial Stability
- Quality Infrastructure, Amenities, and Services
- Not Applicable

**Background:** On consecutive meetings last December, the Council passed resolutions approving a Private Property Infiltration and Inflow (PP/II) reduction policy and then a Funding Agreement with MMSD to proceed on with a PP/II project.

Engineering has since worked with MMSD and their consultant to refine a plan and advertise for Phase I of the project, that being the CCTV inspection of the sanitary laterals for the identified candidate homes in Oakview No. 3 subdivision.

The inspection contract was publicly advertised and the following two bids were received on April 5, 2019:

Contractor	Bid
Green Bay Pipe & TV LLC	\$7,405.50
Visu-Sewer, Inc.	\$8,525.00

This is a unit price contract, so bids have been evaluated based on estimated quantities. City payments to the contractor will reflect actual installed and measured quantities.

This is just Phase I of the PP/II project. Upon completion of the inspection portion, detailed design of the appropriate repairs will be completed and the resultant design and bid documents will be advertised for public bids and construction later this spring.

**Options/Alternatives:** To not proceed with the project would be counter to the City's intentions that were established when it approved the PP/II Policy and entered into the MMSD Funding Agreement.



Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Michael C. Simmons  
City Engineer

Fiscal Review:

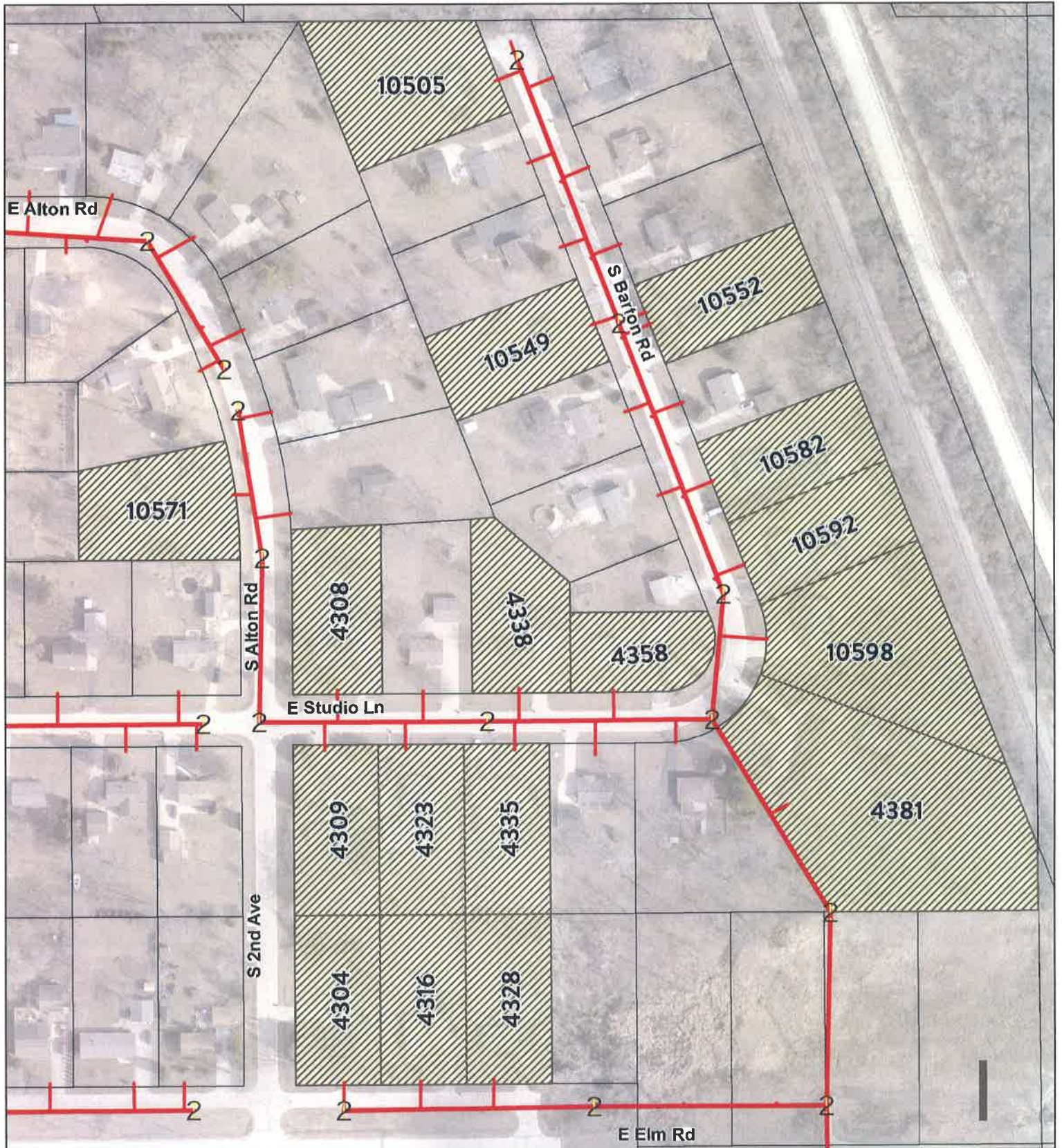


Bridget M. Souffrant  
Assistant City Administrator/Comptroller

---

Attachments: PP/II Project Area Graphic

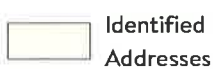
# Oak Creek's Private Property Infiltration & Inflow Reduction Program - Phase 1 - CCTV Inspection



Consent to  
CCTV Sanitary  
Lateral



Project Area



1 inch = 150 feet



**OAKCREEK**  
— WISCONSIN —

**COMMON COUNCIL REPORT**

**Item:** Creekside Crossing Marketplace Development Agreement

**Recommendation:** That the Common Council adopts Resolution No. 12056-041619, approving the Creekside Crossing Marketplace development agreement for the design and installation of public improvements at 7700 S. Ikea Way (Tax Key Nos. 784-9008, 784-9009-001, 784-9010-001, 784-9011, 784-9013, 784-9014, 784-9016, 784-9017, 784-9024 and 784-9024)(Project Nos. 18054 and 18055) (2<sup>nd</sup> Aldermanic District).

**Fiscal Impact:** None. Developer pays for all improvement costs

**Critical Success Factor(s):**

- Vibrant and Diverse Cultural Opportunities
- Thoughtful Development and Prosperous Economy
- Safe, Welcoming, and Engaged Community
- Inspired, Aligned, and Proactive City Leadership
- Financial Stability
- Quality Infrastructure, Amenities, and Services
- Not Applicable

---

**Background:** This development agreement is for the installation of public storm sewer, public roadway/traffic signals, site grading and private interceptor sanitary sewer. WALDEN OC, LLC. has a proposed access and site grading plan for a commercial development called Creekside Crossing Marketplace. This development requires that public and private infrastructure is installed to serve future site development. This agreement will provide the City with the authority to direct and control the design and construction of the required public improvements and private interceptor sewer, to ensure they meet City codes and specifications.

**Options/Alternatives:** If the development agreement is not approved the public improvements will not be permitted to be installed and the site will remain undeveloped.

---

Respectfully submitted:



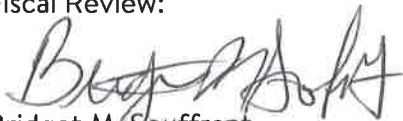
Andrew J. Vickers, MPA  
City Administrator

Prepared:



Matthew J. Sullivan, PE  
Assistant City Engineer

Fiscal Review:



Bridget M. Souffrant  
Assistant City Administrator/Comptroller

Approved:



Michael C. Simmons, PE  
City Engineer

Reviewed:



Brian L. Johnston, PE  
Utility Engineer

---

**Attachments:** Creekside Crossing Marketplace Development Agreement, Resolution 12056-041619

**RESOLUTION NO. 12056-041619**

**BY:** \_\_\_\_\_

**RESOLUTION APPROVING THE  
CREEKSIDE CROSSING MARKETPLACE  
DEVELOPMENT AGREEMENT**

**TAX KEY NOS. 784-9008, 784-9009-001, 784-9010-001, 784-9011,  
784-9013, 784-9014, 784-9016, 784-9017 AND 784-9024**

**(2<sup>ND</sup> ALDERMANIC DISTRICT)**

BE IT RESOLVED that Chapter 14 of the Municipal Code requires that a development agreement be entered into first, prior to the required public improvements being installed.

BE IT FURTHER RESOLVED that the Development Agreement attached hereto and incorporated herein by reference, by and between WALDEN OC, LLC, as party of the first part, and the CITY OF OAK CREEK, as party of the second party, be and the same is hereby approved.

BE IT FURTHER RESOLVED that technical corrections to the Development Agreement that are approved by the City Engineer and City Attorney are hereby authorized.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 16<sup>th</sup> day of April, 2019.

\_\_\_\_\_  
President, Common Council

Approved this 16<sup>th</sup> day of April, 2019.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

VOTE: Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_

Document Number

CREEKSIDE CROSSING  
MARKETPLACE  
DEVELOPMENT AGREEMENT  
Document Title

Recording Area

Douglas W. Seymour, Director  
Dept. of Community Development  
8040 S 6<sup>th</sup> Street  
Oak Creek, WI 53154  
Name and Return Address

Parcel Identification Number (Pin)  
784-9008, 784-9009-001, 784-9010-001,  
784-9011, 784-9013, 784-9014, 784-9016,  
784-9017, 784-9024

THIS AGREEMENT, made and entered into this \_\_\_ day of \_\_\_\_\_, 2019, by and between WALDEN OC, LLC, hereinafter referred to as the "Developer", and the City of Oak Creek, hereinafter referred to as the "City";

WITNESSETH:

WHEREAS, the Developer proposes to develop the following described lands situated in the City of Oak Creek, County of Milwaukee and State of Wisconsin, to-wit:

Those lands being a part of the Northwest ¼ and Southwest ¼ of the Southeast ¼ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, which is bounded and described as follows:

COMMENCING at the Southwest corner of said 1/4 Section; thence North 00° 10' 44" East 415.00 feet to a point in the East line of South Ikea Way and the point of beginning of lands to be described; thence continuing North 00° 10' 44" East along said East line 478.61 feet to a point; thence Northeasterly 259.54 feet along said East line and an arc of a curve whose center lies to the Southeast, whose radius is 545.50 feet, and whose chord bears North 20° 40' 48" East 257.10 feet to a point; thence Northeasterly 52.60 feet along said East line and an arc of a curve whose

center lies to the Northwest, whose radius is 331.66 feet and whose chord bears North 29° 45' 59" East 52.55 feet to a point; thence Northeasterly 7.48 feet along said East line and an arc of a curve whose center lies to the Northwest, whose radius is 159.48 feet, and whose chord bears North 40° 32' 42" East 7.48 feet to the Southwest corner of Lot 1 of Certified Survey Map No. 8851; thence South 50° 47' 55" East along the South line of said Lot 67.20 feet to a point; thence North 46° 58' 30" East along said South line 72.50 feet to a point; hence North 51° 44' 32" East along said South line 70.43 feet to a point; thence North 72° 59' 23" East along said South line 88.02 feet to a point; thence North 79° 13' 30" East along said South line 111.26 feet to a point; thence North 85° 23' 38" East along said South line 86.90 feet to a point; thence North 82° 11' 13" East along said South line 44.43 feet to a point; thence South 87° 35' 31" East along said South line 30.93 feet to a point; thence South 27° 19' 30" East along said South line 23.77 feet to a point; thence South 57° 38' 45" East along said South line 35.90 feet to a point; thence South 72° 20' 25" East along said South line 41.69 feet to a point; hence North 88° 10' 25" East along said South line 35.47 feet to a point; thence North 62° 58' 12" East along said South line 35.49 feet to a point; thence North 43° 51' 41" East along said South line 49.17 feet to a point; thence North 41° 56' 30" East along said South line 66.78 feet to a point; thence North 55° 55' 26" East along said South line 61.54 feet to a point; thence North 73° 37' 33" East along said South line 67.23 feet to a point; thence South 72° 03' 08" East along said South line 47.46 feet to a point; thence South 82° 18' 23" East along said South line 139.86 feet to a point in the West line of Interstate Highway 94; thence South 07° 41' 37" West along said West line 944.62 feet to a point; thence South 89° 18' 02" West along said West line 40.44 feet to a point; thence South 00° 09' 35" West along said West line 332.60 feet to a point in the North line of West Drexel Avenue; thence South 80° 12' 18" West along said North line 101.52 feet to a point; thence South 83° 47' 38" West along said North line 66.06 feet to a point; thence South 89° 18' 02" West along said North line 271.34 feet to the Southeast corner of Parcel 3 in Certified Survey Map No. 7375; thence North 00° 09' 35" East along the East line of said Map 354.99 feet to the Northeast corner of said Map; thence South 89° 18' 02" West along the North line of said Map 172.00 feet to the Northwest corner of Parcel 2 of said Certified Survey No. 7375; thence South 00° 09' 35" West along the West line of said Parcel 354.99 feet to a point in the North line of West Drexel Avenue; thence South 89° 18' 02" West along said North line 288.89 feet the Southeast corner of Parcel 1 of Certified Survey Map No. 7331; thence North 00° 10' 44" East 24.00 feet to a point; thence North 65° 30' 21" West 21.17 feet to a point; thence North 38° 43' 50" West 31.80 feet to a point; thence Northwesterly 90.45 feet along an arc of a curve whose center lies to the Southwest, whose radius is 645.00 feet and whose chord bears North 10° 00' 09" West 90.38 feet to a point; thence North 14° 01' 11" West 92.42 feet to a point; thence North 00° 10' 44" East 117.78 feet to a point; thence South 89° 18' 02" West 22.08 feet to the point of beginning.

Said land contains 1,198,892 square feet or 27.5228 acres, . hereinafter called the "Property"; and

WHEREAS, the Developer has submitted a preliminary site plan for a commercial development titled Creekside Crossing Marketplace, Tax Key Nos. 784-9008, 784-9009-001, 784-9010-001, 784-9011, 784-9013, 784-9014, 784-9016, 784-9017, 784-9024 located at 7700 S IKEA Way, encompassing the Property in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and Chapter 14 of the Municipal Code of the City for the purpose of developing a commercial development, hereinafter called the "Development "; and

WHEREAS, the proposed site plan was conditionally approved by the Plan Commission of the City as required by law, subject, however, to the Developer entering into an agreement with the City relative to certain undertakings and/or actions to be performed by the Developer prior to final approval by the City; and

WHEREAS, S.236.13(2)(a), Wis. Stats., and Chapter 14 of the Municipal Code of the City, provide that as a condition of approval, the Common Council of the City of Oak Creek may require that the Developer make and install any public improvements reasonably necessary for the Development; and

WHEREAS, the City's Capital Improvement plan and budget does not now include funds necessary to install improvements for the Development; and

WHEREAS, the City believes that the orderly, planned development of the Property will best promote the health, safety and general welfare of the community, and hence is willing to approve the Development providing that the Developer agrees to undertake and assume certain obligations and conditions as hereinafter described.

NOW, THEREFORE, in consideration of the payment of \$1.00, and in consideration of the mutual covenants listed below, the parties agree:

1. Existing Improvements - The Development is served and will benefit by existing sanitary sewer and water main in S. IKEA Way and W. Drexel Avenue.
2. Deferred Special Assessments – There are no outstanding special assessment payments required for the street, street light, traffic signal, and drainage facility work made pursuant to this Agreement. Developer shall sign the Waiver of Special Assessment Notice and Hearing attached at Exhibit B.
3. Impact Fees - The impact fees established for the City under Ordinance 2562 shall also apply to the Development. The Developer agrees to pay the appropriate impact fees at the time a building permit is issued.
4. Conditions and Time Period to Install Improvements - The Developer, entirely at its expense, shall, upon receipt of the notice to proceed, complete the public improvements, hereinafter called the "Improvements", in accordance with the requirements set forth in Exhibit A.
  - A. The Developer shall, without charge to the City and upon certification by the City Engineer, unconditionally grant and fully dedicate all public roadway Improvements along S. IKEA Way and W. Drexel Avenue to the City.
  - B. In the event the Developer does not complete the installation of the Improvements in accordance with the terms of Exhibit A, the City shall, upon written notice to the Developer and the expiration of a reasonable cure period, have the authority to complete



same and take title to said Improvements. Upon the City's completion thereof, without notice of hearing, the City may impose a special assessment for the reasonable actual cost of said completion upon the Property, payable with the next succeeding tax roll.

- C. In accordance with Section 3.06 of the Oak Creek Municipal Code and under Sections 66.60 and 66.62 of the Wisconsin Statutes and other Statutory provisions, the City may exercise its power to levy special assessments for the costs incurred by it in exercising the authority in this Paragraph (4).
5. Items Prior to Construction - Prior to the commencement of construction of required Improvements for a phase, the City Engineer shall:
    - A. approve all plans required in Exhibit A, which approval shall not be unreasonably withheld, delayed, or conditioned.
    - B. issue a notice to proceed for the applicable phase.
    - C. arrange a preconstruction conference.
    - D. receive all pertinent approvals from the Milwaukee Metropolitan Sewerage District ("MMSD"), the State of Wisconsin Department of Natural Resources, Milwaukee County Parks or other required jurisdictional agencies for the applicable phase. The review and approval of sanitary sewer plans by the City (and its utility), MMSD, and the Department of Safety and Professional Services occur independently. Approvals are based in part on each system's ability to handle the proposed additional sanitary sewer waste flows.
    - E. make arrangements for the City to inspect the proposed construction.
  6. Building Occupancy Approval – If applicable, upon final certification by the City Engineer, which certification shall not be unreasonably withheld, delayed, or conditioned, that all of the Improvements are constructed, inspected and found to be in compliance with City requirements and (i) proof of the public infrastructure costs associated with any streets, lights, signals and trees, have been filed with the City Finance Director and (ii) lien waivers shall be filed with the City Engineer as proof that all subcontractors have been paid the building occupancy approval shall be presented to the Inspection Department.
  7. Reimbursement of Costs - The Developer shall, within thirty (30) days of receipt of an itemized invoice, reimburse the City for all reasonable and outstanding fees, expenses, costs, and disbursements which were incurred by the City for the design, review, construction, inspection, dedication, administration, enforcement, or acceptance of the Improvements. In addition, the Developer shall provide copies of lien waivers from all contractors, material suppliers, or consultants who performed work or supplied materials.
  8. Workmanship Guarantee - Developer shall guarantee the Improvements against defects due to

faulty materials or workmanship for a period of one (1) year from the date of final approval of the subject phase of the Improvements. The maintenance obligations regarding the streets shall begin upon start of earth moving operations on site and terminate upon completion of the street improvements in accordance with all of the provisions of this Agreement. Responsibility for the streets will be assigned as follows:

- A. Damage to the pavement of S. IKEA Way and W. Drexel Avenue due to construction operations, and including street sweeping, shall be the Developer's responsibility until approval of the building occupancy. Snow plowing will be the City's responsibility.
  - B. If street repairs and/or street sweeping are not satisfactorily performed by the Developer; the City shall, after notice to Developer and time to cure, perform such with its own forces and charge the Developer accordingly for actual manpower, equipment and materials, plus 10% administration and overhead. Developer's responsibility with respect to the streets shall terminate upon approval of the building occupancy.
9. Hold Harmless - The Developer shall, for a period of one (1) year from the date of final approval of the subject phase of the Improvements, indemnify and save harmless the City, and its officers, agents and employees (hereinafter "City Representatives"), from all liability claims, loss, damages, interest, actions, suits, judgments, costs, expenses, attorney's fees, and the like to whomsoever is owed, which may in any manner, except the negligence or misconduct of City or City Representatives, result from the (i) negligent construction or maintenance of the Improvements pursuant to the terms of this Agreement, (ii) violation of any law or ordinance, (iii) infringement of any patent, trademark, tradename or copyright, and (iv) use of road improvements prior to their formal dedication to the City as provided in Paragraph 4(A) hereof.
10. Financial Guarantees and Billing
- A. No letter of credit or bond is required under this Agreement.
  - B. Security Deposit - Prior to and as a condition of public improvement dedication approval, the Developer shall deposit \$20,000 with the City as a Security Deposit (hereinafter referred to as "Collateral"), to secure the prompt, full and faithful performance by the Developer of each and every provision of this Agreement and all obligations of the Developer hereunder. The City is not required to hold the Collateral in any special or trust account but may commingle the Collateral with other funds of the City. Interest shall be paid to the Developer on the Collateral. If the Developer fails to perform any of its obligations hereunder, the City may use, apply or retain the whole or any part of the Collateral together with interest therein, if any, for payment of: (1) Sums of money due from the Developer under this Agreement; (2) Any reasonable sum expended by the City on the Developer's behalf in accordance with this Agreement; and/or (3) Any reasonable sum which the City may expend or be required to expend by reason of the Developer's default under this Agreement; and/or (c) Any reasonable sum which the City may expend or be required to expend by reason of the Developer's default under this Agreement.

The use, application or retention of the Collateral, or any portion thereof, by the City shall not prevent the City from exercising any other right or remedy provided by this Agreement or by law (it being intended that the City shall not first be required to proceed against the Collateral) and shall not operate as a limitation on any recovery to which the City may otherwise be entitled. If any portion of the Collateral is used, applied or retained by the City for the purposes set forth above, Developer agrees, within ten days after the written demand therefore is made by the City, to deposit cash with the City in an amount sufficient to restore the Collateral to its original amount.

Without limitation as to the obligations secured, the Collateral shall also secure the specific obligation of the Developer to make to the City a payment of \$5,000 for anticipated in-house administrative and inspection fees.

The City will release to the Developer all funds from the Collateral, including interest, after the Developer fully and faithfully complies with all of the provisions of this Agreement and completes the above-listed items, all to the satisfaction of the City Engineer, which approval shall not be unreasonably withheld, delayed, or conditioned, less amounts, if any previously applied by the City for the obligations secured hereby. If the Developer's obligations hereunder to the City, including but not limited to, costs of the above-enumerated improvements, exceed the amount of the Collateral, the Developer is responsible for payment of the balance.

C. **Billing** - The City shall bill the Developer quarterly as costs are incurred by the City. In the event the Developer fails to make payment to the City within 30 days of billing, interest shall accrue on the unpaid balance at the rate of 15% per annum. If unsuccessful, the City shall, without notice of hearing, impose a special assessment for the amount of said costs upon the Property, payable with the next succeeding tax roll.

11. **Inspection** - The City or its agents shall, at the Developer's cost, provide full-time inspection of all the Improvements delineated in Section VII of Exhibit A to the Agreement
12. **Easements** - The Developer shall acquire and dedicate to the City any public easements and right-of-way which may be necessary to install and maintain the Improvements. Permanent easements and deeds, on forms acceptable to the City, on or through private lands, shall be negotiated and obtained by the Developer, at its expense. The Developer shall provide just compensation for the easements in accordance with the City's easement acquisition policy. In the event of any acquisition or taking by the City of any portion of the Property, in addition to the value of the Property taken, the compensation provided to the Developer by the City shall include reimbursement of 50% of the costs of the Improvements located on and to the benefit of the portion of the Property so acquired or taken by the City.
13. **Changes to Plans and Specifications** - The City Engineer may, after consultation and agreement with the Developer, make reasonable changes to the approved plans and specifications for any of the Improvements which are reasonably necessary to (i) correct oversights, omissions, and

errors, (ii) compensate for changing site conditions, or (iii) complete fully the work in accordance with sound engineering practice. The Developer shall perform the work as changed entirely at its expense without any claim for reimbursement.

14. Notices - If notice is required to City or Developer it may be given by reputable overnight delivery service, prepaid and addressed as follows:

If as to City:                      City of Oak Creek  
Oak Creek City Hall  
8040 S. 6th Street  
Oak Creek, Wisconsin 53154  
Attention: City Engineer

With a copy to:                      City of Oak Creek  
Oak Creek City Hall  
8040 S. 6th Street  
Oak Creek, Wisconsin 53154  
Attention: City Attorney

If as to Developer:                      Walden OC, LLC  
720 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202  
Attention: Kevin Kennedy

With a copy to:                      Walden OC, LLC  
720 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202  
Attention: Frank Shaw

The persons to whom notice should be sent may be changed in writing from time to time by sending notice to the other party as provided herein.

15. Miscellaneous

- A. All construction required by this Agreement shall be carried out and performed in a sequence approved by the City Engineer.
- B. Developer shall properly locate and install all survey or other monuments required by State statute or City ordinance.
- C. Recording of this Agreement shall be accepted by the City as adequate provision for the improvements specified in Chapter 14 of the Municipal Code.
- D. This Agreement shall be binding upon the heirs, personal representatives, successors and assigns of the parties hereto.

- E. This Agreement shall be recorded by the City with the Register of Deeds of Milwaukee County.
- F. The obligations of the Developer shall terminate upon passage of a resolution by the Common Council of the City of Oak Creek releasing the Developer from the terms of this Agreement.
- G. Developer shall provide specifications in the latest Adobe pdf electronic format.
- H. Developer shall provide all construction plans in the latest Adobe pdf electronic format and AutoCAD.

IN WITNESS WHEREOF, the parties hereto have executed this instrument under their several seals the day and year first above written, the name and corporate seal of each corporate body being hereto affixed and the instrument duly signed by its duly authorized representatives.

In presence of:

WALDEN OC, LLC

By: \_\_\_\_\_  
Kevin C. Kennedy, Director

STATE OF WISCONSIN)  
(SS.  
MILWAUKEE COUNTY)

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2019, the above-named Kevin C. Kennedy of WALDEN OC, LLC to me known to be the person who executed the foregoing instrument and to me known to be such Director of said corporation, acknowledged that he executed the foregoing instrument as such officer.

\_\_\_\_\_  
Notary Public, Milwaukee County, WI  
My Commission expires

**(signatures continued on following page)**

**CITY OF OAK CREEK**

\_\_\_\_\_  
Daniel J. Bukiewicz, Mayor

Countersigned:

\_\_\_\_\_  
Catherine A. Roeske, City Clerk

STATE OF WISCONSIN)  
(SS.  
MILWAUKEE COUNTY)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, DANIEL J. BUKIEWICZ, Mayor and CATHERINE A. ROESKE, City Clerk, of the above-named municipal corporation, CITY OF OAK CREEK, to me known to be the persons who executed the foregoing instrument to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers, as the deed of said municipal corporation, by its authority, and pursuant to Resolution No. \_\_\_\_\_ adopted by its Common Council on the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Melissa L. Karls, Notary Public  
Milwaukee County, Wisconsin  
My commission is permanent.

This instrument was drafted by Brian L. Johnston of the City of Oak Creek Engineering Division.

Approved as to form:

\_\_\_\_\_  
Melissa L. Karls, City Attorney

## EXHIBIT A

### CITY OF OAK CREEK CITY ENGINEER'S REPORT CREEKSIDE CROSSING MARKETPLACE

#### I. INTRODUCTION

The detailed standards for the design and construction of all improvements required in this exhibit shall conform to the "City of Oak Creek Engineering Design Manual," adopted by the Common Council on July 18, 1995, and all incorporated amendments thereof, as provided on the Oak Creek Engineering website at the time of City's approval of the improvements..

The following are the general required improvements, plans, and conditions:

#### II. GRADING AND DRAINAGE

##### A. Required Improvements

Design, install, and provide grading of land as necessary to establish a building pad, provide adequate drainage to prevent flooding, accept upstream runoff, and safely discharge runoff downstream to avoid property damage.

##### B. Plans and Specifications

1. A grading and drainage plan shall be prepared showing 2' contours for both existing and condition and proposed finished floor grades.
2. System plan showing all tributary areas to the proposed site drainage and downstream analysis. Included on the system plan shall be all proposed and existing drainage structures.
4. Storm water management plan that meets current City Ponding Ordinance requirements along with the MMSD Chapter 13 storm water requirements.
5. As-built grading plan certifying that all grading was performed in accordance with the approved grading and drainage plan. The certification shall be required on property corners, main ditches, and detention ponds. The plan shall be prepared by a consulting engineer, selected by and reimbursed by the Developer. The grade tolerances for approval are as follows:
  - a.  $\pm 0.1'$  grade tolerance of the approved proposed grade with topsoil or sod in place.
  - b.  $0.0'$  to  $-0.3'$  grade tolerance of the approved proposed grade without topsoil in place.

- C. Prior to the installation of any public improvements, the Developer shall perform rough grading, including planned pavement areas, building pad, and drainage swales.
- D. Establish permanent vegetative cover on all exposed soil by topsoiling, seeding, and mulching as soon as possible to prevent erosion.
- E. The Developer, at its expense, shall provide detailed soil analysis and compaction results by a competent soils engineer for all areas requiring fill. The results shall be submitted to the City Engineer as soon as they are available. Soil borings may be required by the City Engineer to determine if the existing soil material on site is suitable for structural areas. The Developer shall be responsible to remove unsuitable material and replace with approved engineered fill.
- F. The Developer is responsible for restoring all damage to finish grades and vegetative cover caused, but not restored by, utility companies.
- G. After site grading is completed, the Developer shall place a minimum of 3" of topsoil on all exposed soil. No topsoil may be removed from the site without written authorization from the City Engineer.

### III. **STORM DRAINAGE SYSTEM**

#### A. Required Improvements

Design, install, and provide a complete storm drainage system, including culverts, curb and gutter, storm sewer and/or open ditches as required to adequately convey surface water from and through the development.

#### B. Plans and Specifications

1. Storm sewer plans.
  2. Storm sewer calculations.
  3. Storm sewer system plan update.
  4. Flood plain compensation calculations.
- C. Additional considerations will be required on all ditch slopes exceeding five percent. All roadside ditches or areas within drainage easements shall have a minimum one percent slope. Ditch flow line slopes with less than one percent will require storm sewer.
  - D. All roof drains will discharge into a storm sewer or to other outlets approved by the City Engineer.



#### IV. EROSION AND RUN-OFF CONTROL

##### A. Required Improvements

Installation and construction of Best Management Practices in the proposed development that shall conform with the most current edition of the Department of Natural Resources Technical Standards.

##### B. Plans and Specifications

Control plan for land-disturbing activities showing existing contours at least 200' into adjacent parcels. This plan will show locations and dimensions of all construction site management measures to control erosion and sedimentation.

C. The Developer shall not commence land-disturbing activities until all erosion control measures are installed and approved by the City. An erosion control permit must be obtained, which requires the Developer to construct and maintain such measures in conformance with the City's erosion control ordinance.

D. Both during and after construction, the surface of exposed bare soils shall be protected by mulches and perennial grasses. This does not apply to the immediate building site area which is subject to men and equipment working in and around the perimeter of a new structure.

#### V. SANITARY SEWER – PRIVATE INTERCEPTOR SEWER

##### A. Required Improvements

Design, install, and provide a complete sanitary sewer system designed to meet the ultimate needs of this development and all tributary areas, in accordance with the City's sanitary sewer system plan with rules, regulations and procedures of the City, MMSD, and the State of Wisconsin Department of Natural Resources.

##### B. Plans and Specifications

1. Sanitary sewer plans, specifications, design calculations, and copies of all easements.
2. The City will furnish "as-built" plans of the entire system, including location and elevation of laterals to mains to meet MMSD requirements. All other "as-built" requirements are the responsibility of the Developer.
3. Sanitary sewer system plan update.
4. All reports required by MMSD, the State of Wisconsin, and Southeastern

Wisconsin Regional Planning Commission.

- C. Upon completion, furnish and provide to the City a complete summary of the actual construction costs for sanitary sewer.

**VI. WATER**

No public water improvements are included with this development.

**VII. STREETS**

A. Required Improvements

Additional lanes to be added to S. IKEA way with a signalized intersection to serve the development. A new right turn lane will also be constructed off of W. Drexel Avenue as approved by the City Engineer and the Traffic Impact Analysis completed by TADi. The road construction will be concrete and match the existing road section. The new signalized intersection on S. IKEA Way is to be constructed by the Developer.

- B. If additional right-of-way is needed for the construction of the S. IKEA Way intersection or right turn land on W. Drexel Avenue this shall be dedicated to the City prior to building occupancy.

- C. The work on S. IKEA Way and W. Drexel Avenue shall be coordinated to minimize impacts to the Forest Ridge School traffic. If feasible, the road work should be completed when the school is not in session.

**VIII. STREET LIGHTING**

Street light relocations to be completed by the Developer. All materials to match the existing system.

**IX. MISCELLANEOUS**

**DEVELOPER SHALL:**

- A. be responsible to preserve existing trees, brush, or shrubs, not approved for removal. If unauthorized removal occurs, landscaping will be replaced at the Developer's expense.
- B. repair all damage to roads caused by construction operations.
- C. submit a landscape plan for any screen plantings, berms, and entrances.

Installation of landscaping shall be in accordance with approved plan.

- D. acquire all required underground utility easements.
- E. show all sanitary, drainage, and other public utility easements on the certified survey map. If required easements are omitted, or errors are detected on the CSM, the Developer shall make all necessary modifications to the CSM at its expense.
- F. design and install all required sidewalk and/or bikeways.

**X. SPECIFICATIONS**

The improvements shall be constructed in accordance with the following specifications.

- A. City of Oak Creek Engineering Design Manual.
- B. Applicable Specifications and Regulations of MMSD .
- C. Standard Specifications for Sewer and Water Construction in Wisconsin, latest edition.
- D. State of Wisconsin, Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition.
- E. The Wisconsin Department of Natural Resources Erosion Control Technical Standards.

**XI. SPECIAL PROVISIONS**

The development process shall strictly conform to the conditions set forth in the Development Agreement. Request for building occupancy approval is subject to the City Engineer's certification that all improvements required to be installed are satisfactorily completed. The City will not accept deposits in lieu of completion of the improvement prior to building occupancy approval.

Approved by:

\_\_\_\_\_  
Michael C. Simmons, P.E.  
City Engineer

\_\_\_\_\_  
Date

## EXHIBIT B

### WAIVER OF SPECIAL ASSESSMENT NOTICES AND HEARINGS

City of Oak Creek  
8040 S 6<sup>th</sup> Street  
Oak Creek, WI 53154

We, the undersigned being the Owners of the property that shall benefit by the following proposed public improvements:

streets, street lights, traffic signals and drainage facilities

all made in the City of Oak Creek, Milwaukee County, Wisconsin, in consideration of the construction of said improvements by the City of Oak Creek, Wisconsin, hereby admit that such public improvement will benefit our property and consent to the levying of special assessments against our premises under Section 66.62 of the Wisconsin Statutes and Section 3.06 of the Municipal Code of the City of Oak Creek for the cost of such improvement.

In accordance with Section 3.06 (14) of the Municipal Code of the City of Oak Creek, we hereby waive all special assessment notices and hearings required by Section 66.62 of the Wisconsin Statutes and Section 3.06 (9) of the Municipal Code of the City of Oak Creek, and we further agree and acknowledge the benefit to our properties from the construction of such improvement.

Description of premises that shall benefit:

Those lands being a part of the Northwest  $\frac{1}{4}$  and Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, which is bounded and described as follows:

COMMENCING at the Southwest corner of said  $\frac{1}{4}$  Section; thence North  $00^{\circ} 10' 44''$  East 415.00 feet to a point in the East line of South Ikea Way and the point of beginning of lands to be described; thence continuing North  $00^{\circ} 10' 44''$  East along said East line 478.61 feet to a point; thence Northeasterly 259.54 feet along said East line and an arc of a curve whose center lies to the Southeast, whose radius is 545.50 feet, and whose chord bears North  $20^{\circ} 40' 48''$  East 257.10 feet to a point; thence Northeasterly 52.60 feet along said East line and an arc of a curve whose center lies to the Northwest, whose radius is 331.66 feet and whose chord bears North  $29^{\circ} 45' 59''$  East 52.55 feet to a point; thence Northeasterly 7.48 feet along said East line and an arc of a curve whose center lies to the Northwest, whose radius is 159.48 feet, and whose chord bears North  $40^{\circ} 32' 42''$  East 7.48 feet to the Southwest corner of Lot 1 of Certified Survey Map No. 8851; thence South  $50^{\circ} 47' 55''$  East along the South line of said Lot 67.20 feet to a point; thence North  $46^{\circ} 58' 30''$

East along said South line 72.50 feet to a point; hence North 51° 44' 32" East along said South line 70.43 feet to a point; thence North 72° 59' 23" East along said South line 88.02 feet to a point; thence North 79° 13' 30" East along said South line 111.26 feet to a point; thence North 85° 23' 38" East along said South line 86.90 feet to a point; thence North 82° 11' 13" East along said South line 44.43 feet to a point; thence South 87° 35' 31" East along said South line 30.93 feet to a point; thence South 27° 19' 30" East along said South line 23.77 feet to a point; thence South 57° 38' 45" East along said South line 35.90 feet to a point; thence South 72° 20' 25" East along said South line 41.69 feet to a point; hence North 88° 10' 25" East along said South line 35.47 feet to a point; thence North 62° 58' 12" East along said South line 35.49 feet to a point; thence North 43° 51' 41" East along said South line 49.17 feet to a point; thence North 41° 56' 30" East along said South line 66.78 feet to a point; thence North 55° 55' 26" East along said South line 61.54 feet to a point; thence North 73° 37' 33" East along said South line 67.23 feet to a point; thence South 72° 03' 08" East along said South line 47.46 feet to a point; thence South 82° 18' 23" East along said South line 139.86 feet to a point in the West line of Interstate Highway 94; thence South 07° 41' 37" West along said West line 944.62 feet to a point; thence South 89° 18' 02" West along said West line 40.44 feet to a point; thence South 00° 09' 35" West along said West line 332.60 feet to a point in the North line of West Drexel Avenue; thence South 80° 12' 18" West along said North line 101.52 feet to a point; thence South 83° 47' 38" West along said North line 66.06 feet to a point; thence South 89° 18' 02" West along said North line 271.34 feet to the Southeast corner of Parcel 3 in Certified Survey Map No. 7375; thence North 00° 09' 35" East along the East line of said Map 354.99 feet to the Northeast corner of said Map; thence South 89° 18' 02" West along the North line of said Map 172.00 feet to the Northwest corner of Parcel 2 of said Certified Survey No. 7375; thence South 00° 09' 35" West along the West line of said Parcel 354.99 feet to a point in the North line of West Drexel Avenue; thence South 89° 18' 02" West along said North line 288.89 feet the Southeast corner of Parcel 1 of Certified Survey Map No. 7331; thence North 00° 10' 44" East 24.00 feet to a point; thence North 65° 30' 21" West 21.17 feet to a point; thence North 38° 43' 50" West 31.80 feet to a point; thence Northwesterly 90.45 feet along an arc of a curve whose center lies to the Southwest, whose radius is 645.00 feet and whose chord bears North 10° 00' 09" West 90.38 feet to a point; thence North 14° 01' 11" West 92.42 feet to a point; thence North 00° 10' 44" East 117.78 feet to a point; thence South 89° 18' 02" West 22.08 feet to the point of beginning.

Said land contains 1,198,892 square feet or 27.5228 acres

WALDEN OC, LLC

By: \_\_\_\_\_  
Kevin C. Kennedy, Director

\_\_\_\_\_  
Date



## COMMON COUNCIL REPORT

**Item:** Ryan Business Park Development Agreement

**Recommendation:** That the Common Council adopts Resolution No. 12057-041619, approving the Ryan Business Park Development Agreement for the design and installation of public improvements for the development located in the southeast quadrant of Ryan Road/13<sup>th</sup> Street. (Lots 1, 2, 3 & 4 of CSM 9085, and 1199 and 1203 W. Ryan Road) (Project Nos. 18058 and 18059) (5<sup>th</sup> Aldermanic District).

**Fiscal Impact:** Project is funded through Tax Incremental District No. 16

**Critical Success Factor(s):**

- Vibrant and Diverse Cultural Opportunities
- Thoughtful Development and Prosperous Economy
- Safe, Welcoming, and Engaged Community
- Inspired, Aligned, and Proactive City Leadership
- Financial Stability
- Quality Infrastructure, Amenities, and Services
- Not Applicable

**Background:** This Development Agreement is for the design and construction of public infrastructure improvements related to the Ryan Business Park. This includes extensive expansions to Ryan Road (STH 100) and 13<sup>th</sup> Street (CTH V), and installation of a new City street (Bartel Court), including bridge construction, storm sewer, water main, street lighting, and traffic signals. The agreement also provides that the property owner would be free to proceed with landfilling operations upon the property. The agreement affirms control of design and construction to City and State standards and that full-time construction inspection is part of the assurance process.

**Options/Alternatives:** If the development agreement is not approved the public improvements will not be permitted to be installed and the site developed.

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

Michael C. Simmons, PE  
City Engineer

Fiscal Review:

Bridget M. Souffrant  
Assistant City Administrator/Comptroller

Reviewed:

Brian L. Johnston, PE  
Utility Engineer

---

**Attachments:** Ryan Business Park Development Agreement, Resolution 12057-041619

**RESOLUTION NO. 12057-041619**

**BY: \_\_\_\_\_**

**RESOLUTION APPROVING THE  
RYAN BUSINESS PARK  
DEVELOPMENT AGREEMENT**

**LOTS 1, 2, 3 & 4 OF CSM 9085, AND 1199 & 1203 W. RYAN ROAD**

**(5<sup>TH</sup> ALDERMANIC DISTRICT)**

BE IT RESOLVED that Chapter 14 of the Municipal Code requires that a development agreement be entered into first, prior to the required public improvements being installed.

BE IT FURTHER RESOLVED that the Development Agreement attached hereto and incorporated herein by reference, by and between Ryan Business Park, LLC, as party of the first part, and the CITY OF OAK CREEK, as party of the second party, be and the same is hereby.

BE IT FURTHER RESOLVED that technical corrections to the Development Agreement that are approved by the City Engineer and City Attorney are hereby authorized.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 16<sup>th</sup> day of April, 2019.

\_\_\_\_\_  
President, Common Council

Approved this 16<sup>th</sup> day of April, 2019.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

VOTE: Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_



Document Number

RYAN BUSINESS PARK  
DEVELOPMENT AGREEMENT  
FOR PUBLIC IMPROVEMENTS  
Document Title

Recording Area

Douglas W. Seymour, Director  
Dept. of Community Development  
8040 S 6<sup>th</sup> Street  
Oak Creek, WI 53154  
Name and Return Address

Part of 905-9999-006; Part of 925-9999-000;  
Part of 905-9994-001; Part of 905-9993-003;  
Part of 905-9995-001; Part of 9059992001;  
and Part of 9059993004

Parcel Identification Number (PIN)

THIS AGREEMENT, made and entered into this \_\_\_ day of April, 2019, by and between, Ryan Business Park, LLC, a Wisconsin limited liability company (the "Developer") and the City of Oak Creek, a municipal corporation of the State of Wisconsin (the "City");

WITNESSETH:

WHEREAS, the Developer proposes to develop or allow others to develop the following described lands (the "Property") situated in the City of Oak Creek, County of Milwaukee and State of Wisconsin, to-wit:

LOTS 1, 2, 3, AND 4 OF CERTIFIED SURVEY MAP NO. 9085 RECORDED IN THE REGISTER OF DEEDS OFFICE FOR MILWAUKEE COUNTY AS DOCUMENT NO. 10823469, BEING LOT 1 AND LOT 2 OF CERTIFIED SURVEY MAP NO. 9075, LOT 1 OF CERTIFIED SURVEY MAP NO. 9076, LOT 2 OF CERTIFIED SURVEY MAP NO. 9074 AND ADDITIONAL LANDS IN THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 AND THE NORTHEAST 1/4,

SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

THE NORTH 400 FEET OF THE EAST 20 ACRES OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN. EXCEPTING THEREFROM LANDS CONVEYED IN DEED RECORDED NOVEMBER 5, 1968, ON REEL 449, IMAGE 12, AS DOCUMENT NO. 4427750. FURTHER EXCEPTING THEREFROM LANDS CONVEYED IN WARRANTY DEED RECORDED OCTOBER 1, 2013 AS DOCUMENT NO. 10299272.

WHEREAS, the Property is located in the proposed Ryan Business Park and part of the Tax Incremental District No. 16 of the City of Oak Creek (the "District"), and

WHEREAS, the Developer has submitted a preliminary site plan, titled Ryan Business Park, part of each of Tax Key Nos. 905-9999-006; 925-9999-000, 905-9994-001, 905-9993-003, 905-9995-001, 9059992001 and 9059993004 located at the Southeast corner of S. 13<sup>th</sup> Street and W. Ryan Road, encompassing the hereinabove described lands in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and Chapter 14 of the Municipal Code of the City for the purpose of facilitating the development of a first-class business park including a multistory distribution center (the "Business Park"), and

WHEREAS, the proposed site plan was approved by the Plan Commission of the City as required by law, subject, however, to the Developer entering into an agreement with the City relative to certain undertakings and/or actions to be performed by the Developer prior to approval by the City, and

WHEREAS, S.236.13(2)(am), Wis. Stats., and Chapter 14 of the Municipal Code of the City, provide that as a condition of approval, the Common Council of the City of Oak Creek may require that the Developer make and install any public improvements reasonably necessary, and

WHEREAS, the City's Capital Improvement plan and budget does not now include funds necessary to install improvements for this development, and

WHEREAS, the City and Developer have already entered into that certain Tax Incremental District No. 16 Finance Development Agreement Ryan Business Park dated November 5, 2018 (the "Developer Development Agreement") to facilitate the development of the Business Park and to accommodate the installation of necessary public improvements defined therein as "General Infrastructure" which General Infrastructure includes the Wisconsin Department of Transportation (WisDOT) work along W. Ryan Road that was removed from the Ryan Interchange project, and

WHEREAS, Commerce 94 Project, LLC, a Delaware limited liability company (the "Landlord"), acquired a portion of the Property from Developer for Landlord to develop and lease a multistory distribution center within the Business Park, and Landlord committed directly to Developer and to the City in a Tax Incremental District No. 16 City/Landlord Development Agreement project dated November 5, 2018 (the "Landlord Development Agreement") to initially fund and make available for disbursement to Developer the costs of the General Infrastructure, and

WHEREAS, the City and WisDOT entered into a Memorandum of Understanding for that portion of the General Infrastructure that consists of WisDOT work along W. Ryan Road that was removed from the Ryan Interchange project, which Memorandum of Understanding was approved by Resolution No. 12017-121818 at Common Council, and WisDOT issued a permit to the City permittee for such Ryan Road (S.T.H. 100) Work, and

WHEREAS, the Developer Development Agreement provides that the Developer shall design and cause construction of the General Infrastructure, subject to the Landlord's obligation to provide funding therefor and subject to the City's obligation to provide proceeds of the "City Loan" described therein, and

WHEREAS, the City believes that the orderly, planned development of said lands will best promote the health, safety and general welfare of the community, and hence is willing to approve the proposed Business Park providing that the Developer agrees to undertake and assume certain obligations and conditions and/or performed as hereinafter described, and

NOW, THEREFORE, in consideration of the payment of \$1.00, and in consideration of the mutual covenants listed below, the parties agree:

1. The Business Park is served and will benefit by existing sanitary sewer and water main in S. 13<sup>th</sup> Street and W. Ryan Road.
2. Impact Fees. The impact fees established for the City under Ordinance 2562 may also apply to the construction of buildings (but not to the construction of the General Infrastructure) and may come due when any building is being constructed at the Business Park at the time a building permit is issued.
4. Conditions and Time Period to Install Improvements - Subject to Landlord's obligation to initially provide funding for the General Infrastructure pursuant to the Landlord Development Agreement and the City's obligation to provide proceeds of the City Loan under the Developer Development Agreement as well as conditions of the WisDOT permit, the Developer shall complete the General Infrastructure as described in Exhibit A.
  - A. The Developer shall, without additional charge to the City and upon certification by the City Engineer (or as otherwise approved by the City,

unconditionally grant and fully dedicate those portions of the General Infrastructure required to be granted and dedicated to the City under Section III(A) of the Developer Development Agreement.

- B. Subject to the terms and conditions of the Developer Development Agreement and the Landlord Development Agreement, the City may, upon written notice to the Developer, have the authority to complete General Infrastructure and take title of the General Infrastructure.
5. Items Prior to Construction - Prior to the commencement of construction of the General Infrastructure, the City Engineer shall:
- A. approve all plans required in Exhibit A, and such approval shall not be unreasonably withheld, delayed, or conditioned;
  - B. issue a Notice to Proceed for the applicable phase;
  - C. arrange a preconstruction meeting;
  - D. receive all pertinent approvals from the Milwaukee Metropolitan Sewerage District, the State of Wisconsin Department of Natural Resources, Milwaukee County Parks or other required jurisdictional agencies for the applicable phase. The review and approval of sanitary sewer plans by the City (and its Utility) and MMSD shall occur independently. Approvals are based in part on each system's ability to handle the proposed additional sanitary sewer waste flows; and
  - E. coordinate the City's inspection effort to assure satisfactory construction of the General Infrastructure.
6. Occupancy Approval - Upon final certification by the City Engineer, which certification shall not be unreasonably withheld, delayed, or conditioned, that all of the required General Infrastructure and requirements as outlined in this Agreement is constructed, inspected and found to be in compliance with City requirements and (1) proof of the General Infrastructure costs associated with streets, sewers, water main, lights, trees, etc., have been filed with the City Finance Director and (2) lien waivers shall be filed with the City Engineer as proof that all subcontractors have been paid, occupancy approval may be available from the Inspection Department.
7. Reimbursement of Costs – The City may engage consulting engineers, project or construction managers or other consultants for inspections of the General Infrastructure, costs for which inspections will be funded pursuant to Section III(G) of the Developer Development Agreement. In addition, the Developer shall

provide copies of lien waivers from all contractors, material suppliers, or consultants who performed work or supplied materials.

8. Workmanship Guarantee – Pursuant to Section III(I) of the Developer Development Agreement, all work to be performed by the Developer or its contractor related to the General Infrastructure shall be performed in a good and workmanlike manner and consistent with the prevailing industry standards for such work in the area of the City. Further, Developer or its contractor shall perform all work in compliance with all applicable laws, regulations, ordinances and building codes and shall obtain and maintain all necessary permits and licenses for such work.
9. Hold Harmless - The Developer or its contractor shall indemnify and save harmless the City, its officers, agents and employees, from all liability claims, loss, damages, interest, actions, suits, judgments, costs, expenses, attorney's fees, and the like to whomsoever is owed, which may in any manner result from the negligent construction of improvements by the Developer pursuant to the terms of this Agreement for one (1) year following approval of the General Infrastructure, the violation of any law or ordinance, the infringement of any patent, trademark, tradename or copyright, and the use of General Infrastructure prior to their formal dedication to the City as provided in Paragraph 4(A) thereof (unless otherwise approved by the City).
10. Financial Guarantees
  - A. No letter of credit or bond is required under this Agreement.
  - B. Intentionally Deleted.
  - C. Pursuant Section to V(L) of the Developer Development Agreement, Developer is obligated to deliver to the City a performance and completion bond for construction of the General Infrastructure from Developer's general contractor, naming the City as a dual obligee (along with Landlord).
11. Inspection - Pursuant to Section III(E) of the Developer Development Agreement, Developer grants to the City, its agents, employees, officials, representatives and contractors the right to enter upon those portions of the Property owned or controlled by the Developer at all reasonable times during construction of the General Infrastructure work for the purpose of facilitating the City's inspection of the construction of the General Infrastructure.
12. Easements - The Developer shall acquire and, as applicable, dedicate to the City all easements and right-of-way necessary to install and maintain the General Infrastructure required by this Agreement. Permanent easements and deeds, on forms acceptable to the City, on or through private lands, shall be negotiated and

obtained by the Developer, consistent with the terms of the Developer Development Agreement. The Developer shall negotiate appropriate compensation for the easements in accordance with the City's easement acquisition policy or as otherwise requested by private property owners and acceptable to Developer.

13. Changes to Plans and Specifications - The City Engineer may make reasonable changes to the approved plans and specifications for any of the General Infrastructure covered under this Agreement which are necessary to correct oversights, omissions, and errors, to compensate for changing site conditions, or to complete fully the work in accordance with sound engineering practice. The Developer shall perform the work as changed entirely at no additional expense to the City without any claim for reimbursement.

14. Miscellaneous

- A. All construction required by this Agreement shall be carried out and performed in a sequence approved by the City Engineer or engineers for Milwaukee County or WisDOT depending on which governmental authority has jurisdiction.
- B. Developer shall properly locate and install all survey or other monuments required by State Statute or City Ordinance.
- C. Recording of this Agreement shall be accepted by the City as adequate provision for improvements specified in Chapter 14 of the Municipal Code.
- D. This Agreement shall be binding upon the heirs, personal representatives, successors and assigns of the parties hereto.
- E. The Developer Development Agreement and the Landlord Development Agreement provide for recording of memoranda of those agreements by the City with the Register of Deeds of Milwaukee County.
- F. The obligations of the Developer shall terminate upon passage of a resolution by the Common Council of the City of Oak Creek releasing the Developer from the terms of this Agreement. The City shall promptly consider and adopt appropriate resolutions and record releases of any recorded memoranda with the Register of Deeds of Milwaukee County.
- G. Developer shall provide specifications in the latest Adobe pdf electronic format.
- H. Developer shall provide all construction plans in the latest Adobe pdf electronic format and AutoCAD.

IN WITNESS WHEREOF, the parties hereto have executed this instrument under their several seals the day and year first above written, the name and corporate seal of each corporate body being hereto affixed and the instrument duly signed by its duly authorized representatives.

**DEVELOPER:**

In presence of:

Ryan Business Park, LLC

By: Capstone Development Company,  
Manager

By:   
Michael Faber, Principal

STATE OF WISCONSIN )  
(SS.  
WAUKESHA COUNTY )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2019, the above-named Michael Faber, as Principal of Capstone Development Company, manager of Ryan Business Park, LLC to me known to be the person who executed the foregoing instrument and to me known to be such Principal of said corporation, acknowledged that he executed the foregoing instrument as such officer.

\_\_\_\_\_  
Notary Public, Waukesha County, Wisconsin  
My Commission expires:

**CITY OF OAK CREEK:**

\_\_\_\_\_  
DANIEL J. BUKIEWICZ, Mayor

Countersigned:

\_\_\_\_\_  
CATHERINE A. ROESKE, City Clerk

STATE OF WISCONSIN)  
(SS.  
MILWAUKEE COUNTY)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
DANIEL J. BUKIEWICZ, Mayor and CATHERINE A. ROESKE, City Clerk, of the above-  
named municipal corporation, CITY OF OAK CREEK, to me known to be the persons  
who executed the foregoing instrument to me known to be such Mayor and City Clerk of  
said municipal corporation, and acknowledged that they executed the foregoing  
instrument as such officers, as the deed of said municipal corporation, by its authority,  
and pursuant to Resolution No. \_\_\_\_\_ adopted by its Common Council  
on the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Melissa L. Karls, Notary Public  
Milwaukee County, Wisconsin  
My commission is permanent.

This instrument was drafted by Brian L. Johnston of the City of Oak Creek Engineering  
Department.

Approved as to form:

\_\_\_\_\_  
Melissa L. Karls, City Attorney



**EXHIBIT A**  
**CITY OF OAK CREEK**  
**CITY ENGINEER'S REPORT**  
**RYAN BUSINESS PARK**

**I. INTRODUCTION**

The detailed standards for the design and construction of all improvements required in this exhibit over which the City has jurisdiction shall conform to the "City of Oak Creek Engineering Design Manual," adopted by the Common Council on July 18, 1995, and all future amendments thereof. Design and construction on the State highway and the County highway shall be in conformance with the Wisconsin Department of Transportation Facilities Development Manual.

The following are the general required improvements, plans, and conditions:

**II. GRADING AND DRAINAGE**

**A. Required Improvements**

Design, install, and provide grading of land as necessary to establish building pads, provide adequate drainage to prevent flooding, accept and convey upstream runoff, and safely discharge runoff downstream in conformance with an approved storm water management plan to avoid property damage.

**B. Plans and Specifications**

1. A grading and drainage plan shall be prepared showing no less than 2' contours for both existing and proposed condition, and proposed finished floor grades.
2. System plan showing all tributary areas to the proposed site drainage and downstream analysis. Included on the system plan shall be all proposed and existing drainage structures.
4. Storm water management plan that meets current City Ponding Ordinance requirements along with the MMSD Chapter 13 storm water requirements.

5. As-built grading plan certifying that all grading was performed in accordance with the approved grading and drainage plan. The certification shall be required on property corners, main ditches, and detention ponds. The plan shall be prepared by a consulting engineer, selected by and reimbursed by the Developer. The grade tolerances for approval are as follows:
  - a.  $\pm 0.1'$  grade tolerance of the approved proposed grade with topsoil or sod in place.
  - b.  $0.0'$  to  $-0.3'$  grade tolerance of the approved proposed grade without topsoil in place.
- C. Prior to the installation of any public improvements, the Developer shall perform rough grading, including planned pavement areas, and drainage swales.
- D. Establish permanent vegetative cover on all exposed soil by placing topsoil, seeding, and mulching as soon as practicable to prevent erosion.
- E. The Developer, at no additional expense to the City, shall provide detailed soil analysis and compaction results by a competent soils engineer for all areas requiring fill. All written reports shall be submitted to the City Engineer. Soil borings may be required by the City Engineer to determine if the existing soil material on site is suitable for structural areas. The Developer shall be responsible to remove unsuitable material and replace with approved natural structural fill or approved engineered fill.
- F. The Developer is responsible for restoring all damage to finished grades and vegetative cover caused, but not restored by, utility companies.
- G. After site grading is completed, the Developer shall place a minimum of 3" of topsoil on all exposed soil. No topsoil may be removed from the site without written authorization from the City Engineer, except to the extent retained on another buildable site in the Business Park for which an NOI has been issued.

### **III. STORM DRAINAGE SYSTEM**

#### **A. Required Improvements**

Design, install, and provide a complete storm drainage system; including concrete curb & gutter and storm sewer, or open ditches and culverts where applicable, required to adequately convey surface water from and

through the development. The public storm sewer will be required to handle all road drainage along the expanded S. 13<sup>th</sup> Street and W. Ryan Road, and the new cul-de-sac road (Bartel Court).

**B. Plans and Specifications**

1. Storm sewer plans showing plan and profile views.
2. Storm sewer calculations.
3. Storm sewer system plan update.
4. Flood plain compensation calculations.
5. Storm water management plan, meeting City and MMSD approvals.

C. Additional considerations will be required on all ditch slopes exceeding five percent. All roadside ditches or areas within drainage easements shall have a minimum one percent slope. Ditch flow line slopes with less than one percent will require storm sewer.

D. All roof drains will discharge into a storm sewer or to other outlets approved by the City Engineer.

**IV. EROSION AND RUN-OFF CONTROL**

**A. Required Improvements**

Installation and construction of Best Management Practices in the proposed development that shall conform with the most current edition of the Department of Natural Resources Technical Standards.

**B. Plans and Specifications**

Control plan for land-disturbing activities showing existing contours for enough to properly tie-in grades and evaluate appropriate drainage. This plan will show locations and dimensions of all construction site management measures to control erosion and sedimentation.

C. The Developer shall not commence land-disturbing activities until all erosion control measures are installed and approved by the City. An erosion control permit must be obtained from City staff, which requires the Developer to construct and maintain such measures in conformance with the City's erosion control ordinance.

- D. After construction and if construction is dormant for more than 7 days, the surface of exposed bare soils shall be protected by mulches and perennial grasses. This does not apply to the immediate building site area which is subject to men and equipment working in and around the perimeter of active construction of improvements.

**V. SANITARY SEWER**

**A. Required Improvements**

To the extent shown on approved Plans, design, install, and provide sanitary sewer system improvements designed to meet the ultimate needs of this development and all tributary areas, in accordance with the City's sanitary sewer system plan with rules, regulations and procedures of the City, Milwaukee Metropolitan Sewerage District, and the State of Wisconsin Department of Natural Resources.

**B. Plans and Specifications**

1. Public and Private Interceptor Sanitary sewer plans, specifications, design calculations, and copies of all easements.
2. The City will furnish "as-built" plans of the entire system, including location and elevation of laterals to mains to meet MMSD requirements. All other "as-built" requirements are the responsibility of the Developer.
3. Sanitary sewer system plan update.
4. All reports required by the Milwaukee Metropolitan Sewerage District, the State of Wisconsin, and Southeastern Wisconsin Regional Planning Commission.
5. Separate sanitary sewer easements for the site, where appropriate, shall be recorded.

- D. Upon completion, furnish and provide to the City a complete summary of the actual construction costs for sanitary sewer.

- E. Installation of one sanitary sewer lateral from the sanitary sewer main, to building site right-of-way.

## **VI. PUBLIC WATER**

### **A. Required Improvements**

To the extent shown on approved Plans, design, install, and provide water distribution system improvements and install water main designed to meet the ultimate needs of this development and all tributary areas, in accordance with the City's water main system plan and with the rules, regulations, and procedures of the City and the State of Wisconsin Department of Natural Resources.

### **B. Plans and Specifications**

1. Water main plans, specifications, design calculations, and copies of all easements.
2. The City will create "as-built" plans of the entire system, including hydrant and valve locations, and the location and elevation of laterals, all for the use of the City of Oak Creek Water and Sewer Utility. All other "as-built" requirements are the responsibility of the Developer.
3. Separate water main easements for the site, where appropriate, shall be recorded.

C. Upon completion, furnish and provide to the City a complete summary of the actual construction costs for water distribution, itemized in sufficient detail to satisfy the requirements of the Public Service Commission of the State of Wisconsin in establishing or revising a rate base.

D. Installation of one water lateral from the water main, to building site right-of-way.

E. Provide hydrant marker flags for each installed public fire hydrant.

## **VII. STREETS**

### **A. Required Improvements**

Road improvements have been determined by the Traffic Impact Analysis for the project. The road design and related plans as well as pavement sections shall be as reviewed and approved by the authority with jurisdiction (the City for Bartel Court, the County for 13<sup>th</sup> Street and WisDOT for Ryan

Road). The road improvements will also need to be approved by WisDOT and Milwaukee County for their respective highways.

The pavement section will include a dowelled concrete pavement with 31" concrete curb & gutter section, crushed stone base, and pavement edge sub-drains.

All pavement markings required for this development shall be approved by the State, County and City and meet the MUTCD and TIA requirements.

The signals installed on S. 13<sup>th</sup> Street and on W. Ryan Road shall be approved by the WisDOT and Milwaukee County and meet the MUTCD and TIA requirements.

- B. If additional right-of-way is needed for the construction of the S. 13<sup>th</sup> Street, W. Ryan Road or the cul-de-sac road this shall be dedicated to the appropriate jurisdiction not later than completion of construction (as noted on approved Plans).
- C. All improvements along S. 13<sup>th</sup> Street will require Milwaukee County permits and approvals.
- D. All improvements along W. Ryan Road will require WisDOT permits and approvals.

## **VIII. STREET LIGHTING**

### **A. Required Improvements**

Design, install, and provide a complete street lighting system designed to meet the ultimate needs of this development, in accordance with the City's system plan and with the specifications, regulations, and procedures of the City or as otherwise approved by the City.

A 480-Volt LED street lighting system including poles, fixtures, controller (or city-approved connection to an existing adjacent system with adequate surplus capacity), concrete anchor bases, cable-in-duct, junction boxes and other appurtenances is required.

### **B. Plans and Specifications**

- 1. Street lighting plans showing all anchor base, C-N-D, controller, and junction box locations.

2. Photometric lighting design calculations.
- C. The Developer shall be required to maintain the street lighting until the streets are dedicated to the City.
- D. The lighting fixture shall be LED, approved by the Engineering Department, and generally matching the lighting along W. Ryan Road.

**IX. MISCELLANEOUS**

**DEVELOPER SHALL:**

- A. repair all damage to State and County highways caused by construction operations.
- B. Submit a landscape plan for screen plantings, berms, and entrances. Installation of landscaping shall be in accordance with approved plan.
- C. show all sanitary, drainage, and other public utility easements on the certified survey map creating Bartel Court. If required easements are omitted, or errors are detected on the CSM, the Developer shall make all necessary modifications to the CSM at his expense.
- D. Design and install all required sidewalk and/or bikeways.

**X. SPECIFICATIONS**

The improvements shall be constructed in accordance with the following specifications:

- A. City of Oak Creek Engineering Design Manual, most recent edition for Bartel Court.
- B. Applicable Specifications and Regulations of the Milwaukee Metropolitan Sewerage District for 13<sup>th</sup> Street.
- C. Standard Specifications for Sewer and Water Construction in Wisconsin, latest edition for Ryan Road.

- C. State of Wisconsin, Department of Transportation:
  - 1. Standard Specifications for Road and Bridge Construction, latest edition
  - 2. Facilities Development Manual
  
- E. The Wisconsin Department of Natural Resources Erosion Control Technical Standards or as otherwise approved by the approving jurisdiction.

**XI. SPECIAL PROVISIONS**

The development process shall strictly conform to the conditions set forth in the Development Agreement. Request for building occupancy approval is subject to the City Engineer's certification that all improvements required to be installed have been satisfactorily completed. The City will not accept deposits in lieu of completion of certain improvements prior to building occupancy approval.

Approved by:

---

Michael C. Simmons, P.E.  
City Engineer

---

Date



## COMMON COUNCIL REPORT

**Item:** License Committee Report

**Recommendation:** That the Common Council grant the various license requests as listed on the 4/16/19 License Committee Report.

**Fiscal Impact:** License fees in the amount of \$897.50 were collected.

**Critical Success Factor(s):**

- Vibrant and Diverse Cultural Opportunities
- Thoughtful Development and Prosperous Economy
- Safe, Welcoming, and Engaged Community
- Inspired, Aligned, and Proactive City Leadership
- Financial Stability
- Quality Infrastructure, Amenities, and Services
- Not Applicable

---

**Background:**

The License Committee did not meet prior to the 4/16/19 council meeting. Tentative recommendations are as follows (favorable background reports received):

1. Grant an Operator's license to:
  - \* Jason A. Novak, 11021 Northwestern Ave., Franksville (Walgreens)
  - \* Natalie H. Menting, 4235 S. Howell Ave., Milwaukee (Kwik Trip)
  - \* Cristia L. Dach, 606B Stephiane St., Burlington (BP Discount Liquor)
  - \* Mehul H. Naik, 4148 W. Southwood Dr., Franklin (BP Discount Liquor)
  - \* Michelle F. Pink, 10718 County Rd. K, Franksville (Sidetracked)
  - \* Joseph B. Sosalla, 1626 N. Prospect Ave., Milwaukee (Walgreens)
  - \* Leo N. Strong, III, 1737 Madison Ave., South Milwaukee (Walgreens)
  - \* Lucas T. Eisel, 4160 E. Barton Rd., Oak Creek (Kwik Trip)
  
2. Grant a Temporary Class "B" beer license to Callie Schlicht, Agent on behalf of the FUEL Fitness Dodgeball Tournament, 440 W. Rawson Ave., to be held on 4/27/19.
  
3. Grant a Secondhand Article Dealer license to Hunter Bjorkman , Agent, ecoATM, LLC. ecoATM will have a kiosk inside of Pick 'Save, 6462 S. 27<sup>th</sup> St., to purchase used consumer electronic devices.


**Options/Alternatives:** None

---

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

  
Christa J. Miller, CMC/WCMC  
Deputy City Clerk

Fiscal Review:

  
Bridget M. Souffrant  
Assistant City Administrator/Comptroller

---

Attachments: None



## COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the April 10, 2019 Vendor Summary Report in the total of \$470,103.03.

Fiscal Impact: Total claims paid of \$470,103.03.

- Critical Success Factor(s):
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

Background: Of note are the following payments:

1. \$23,564.00 to Ascension Medical Group (pg #2) for pre-employment physicals, Fire Department's wellness exams, and nursing services/supplies.
2. \$25,158.00 to Buelow Vetter (pg #4) for legal services.
3. \$10, 976.50 to Godfrey & Kahn S.C. (pgs #9-10) for legal services regarding the following projects: Emerald Row, Ryan Business Park, and Lakefront.
4. \$20,266.00 to Granicus (pg #10) for City website design and implementation, Project #18006.
5. \$12,714.54 to Kansas City Life Insurance Co (pgs #12-13) for May disability insurance.
7. \$9,651.84 to Miller-Bradford & Risberg, Inc. (pg #14) for stump grinder, project #19030.
7. \$11,981.59 to MADACC (pgs #14-15) for 2<sup>nd</sup> quarter animal control operating costs, debt service, and dog/cat licenses.
8. \$5,044.17 to Milwaukee County Treasurer (pg #15) for March court fines.
9. \$47,199.56 to Oak Creek Water & Sewer (pg #16) for inspection costs for various City projects and water/sewer quarterly fees.
10. \$7,354.55 to Securian Financial Group, Inc. (pgs #18-19) for May employee life insurance.
11. \$46,800.00 to Tyler Technologies, Inc. (pg #21) for assessor services.
12. \$53,577.42 to US Bank (pgs #23-33) for equipment and vehicle maintenance, travel and training, supplies, building maintenance, dues and publications, license fees, data lines, Verizon phone services, legal notices, and office supplies.
13. \$39,392.34 to WE Energies (pgs #21-22) for street lighting, electricity & natural gas.

---

14. \$17,110.57 to WI Court Fines & Surcharges (pg #22) for March court fines.

15. \$41,539.30 to Yaskawa America, Inc. (pgs #22-23) for 2016 and 2017 assessment refunds.

Options/Alternatives: None

---

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Fiscal Review:



Bridget M. Souffrant  
Assistant City Administrator/Comptroller

---

Attachments: 4/10/19 Invoice GL Distribution Report