



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

COMMON COUNCIL MEETING AGENDA

NOVEMBER 21, 2017

7:00 P.M.

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

The City's Vision

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

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: 11/7/17

Informational

4. **Informational:** Life Scout, Troop 316, Tim Kent will provide the Council on information regarding his Eagle Scout Project.

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. **Rezone:** Consider a request by Kevin Kennedy, Walden OC, LLC, to rezone the properties at 1700, 1750, 1800, 1816, 1848, 1850, and 1900 W. Drexel Ave. from Rs-3, Single Family Residential to B-6, Interchange Regional Retail District (no change to FW, Floodway or FF, Flood Fringe) (2nd District).
6. **Ordinance:** Consider Ordinance No. 2880, to rezone the properties at 1700, 1750, 1800, 1816, 1848, 1850, and 1900 W. Drexel Ave. from Rs-3, Single Family Residential to B-6, Interchange Regional to B-6 Regional Retail District (no change to FW, Floodway or FF, Flood Fringe Districts) (2nd District).
7. **Resolution:** Consider Resolution No. 11882-112117, approving a Certified Survey Map for Walden OC, LLC for the properties at 1700, 1750, 1800, 1816, 1848, 1850, and 1900 W. Drexel Ave. and 7700 S. Ikea Way (2nd District).
8. **Rezone:** Consider a request by the City of Oak Creek to rezone portions of the property at 1920 W. Drexel Ave., from Rs-3, Single Family Residential to I-1, Institutional (no change to the FF, Flood Fringe or FW, Floodway Districts) (2nd District).

Visit our website at www.oakcreekwi.org for the agenda and accompanying common council reports.

9. **Ordinance:** Consider Ordinance No. 2881, an ordinance to rezone a portion of the property at 1920 W. Drexel Ave., from Rs-3, Single Family Residential to I-1, Institutional (no change to FF, Flood Fringe Districts or FW, Floodway Districts) (2nd District).
10. **Official Map Amend:** Consider a proposal by Marjan Strmseck to amend the Official Map for a portion of the Northeast ¼ of Section 16 (mapped, unimproved right-of-way affecting the properties at 928 E. Forest Hill Ave.) (1st District).
11. **Ordinance:** Consider Ordinance No. 2882, amending Section 6.01 of the Municipal Code, amending the Official Map for a portion of the Northeast ¼ of Section 16 (mapped, unimproved right-of-way affecting the property at 928 E. Forest Hill Avenue) (1st District).
12. **Code Amendment:** Consider a request for a proposed amendment to Sec. 17.0501(b)(6)(a) and 17.0501(b)(6)(b) to allow for larger accessory structures in residential zoning districts (by Committee of the Whole).
13. **Ordinance:** Consider Ordinance No. 2883, to repeal and recreate Section 17.0501(b)(6)(a) and Section 17.0501(b)(6)(b) of the Municipal Code regarding accessory structures (by Committee of the Whole).

New Business

14. **Resolution:** Consider Resolution No. 11888-112117, an Initial Resolution Regarding Industrial Development Revenue Bond Financing for Moldmakers Leasing & Investments Limited Partnership, L.L.P. Project. Information with respect to the job impact of the project will be available at the time of consideration of the Initial Resolution (by Committee of the Whole).
15. **Motion:** Consider a motion to approve the 2018 Regular Combined Common Council meeting dates (by Committee of the Whole).
16. **Motion:** Consider a motion to concur with the Mayor's reappointments as follows:
 - Community Development Authority – 4 year term, expiring 12/2021
 - Justin Arndt
 - Traffic & Safety Commission – 3 year term, expiring 10/2020
 - Greg Wolf
 - Board of Health – 3 year term, expiring 10/2020
 - Richard Barribeau
 - Water & Sewer Utility – 5 year term, expiring 10/2022
 - Dale Richards
17. **Motion:** Consider a motion to approve the Vendor Summary Report in the amount of \$476,419.04 (by Committee of the Whole).

COMMUNITY DEVELOPMENT

18. **Resolution:** Consider Resolution No. 11887-112117, approving an Affidavit of Correction for Certified Survey Map No. 7884 for the properties at 9900 and 9941 S. Ridgeview Dr. (6th District).

ENGINEERING

19. **Resolution:** Consider Resolution No. 11885-112117, approving the East Brooke Preserve Development Agreement for the design and installation of public improvements at 1200 E Ryan Road and 9349 S Nicholson Road (Tax Key Nos. 873-9006-006 & 873-9998-002) (Project Nos. 17064 and 17065) (3rd District).
20. **Resolution:** Consider Resolution No. 11883-112117, approving a Storm Water Management Practices Maintenance Agreement with The Orchards of Mukwonago, LLC, for the East Brooke Preserve Subdivision (Tax Key Nos. 873-9006-006 and 873-9998-002) (3rd District).
21. **Resolution:** Consider Resolution No. 11886-112117, approving an Easement Agreement by and between the City of Oak Creek and 4545 II LLC (Tax Key No. 955-1026-000) (5th District).
22. **Motion:** Consider a motion to approve the installation of pedestrian crossing signs and crosswalk pavement markings at the pedestrian crossing near 340 Parkway Estates Dr. (3rd District).

LICENSE COMMITTEE

The License Committee did not meet prior to the Council meeting. Tentative recommendations are as follows:

23. **Motion:** Consider a motion to grant an Operator's license to the following (*favorable background report received*):
 - Guy R. Carstens, 1518 N. 51st St., Milwaukee (Pick 'n Save)
 - Elvin Montanez, 223 S. Berkley Dr., Round Lake, IL (Meijer)
 - Elias A. Colorez, 706 S. 122nd St., West Allis (Pick 'n Save)
 - Kara J. Johnson, 8540 S. Liberty Ln., Oak Creek (Buffalo Wild Wings)
24. **Motion:** Consider a motion to grant a Retail License Transfer – Premise to Premise, for the Class B Combination license issued to HUSH, LLC, Christina Clausen, Agent, Bootz Saloon & Grill from 8950 S. 27th St. to 7126 S. 27th St., with release of license subject to issuance of Occupancy Permit.
25. **Motion:** Consider a motion to grant a Transient Merchant solicitor license to Jeff Brady, 2210 Loni Ln., Racine, selling cable, phone and internet services on behalf of Spectrum (*favorable background report received*).

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. 6th 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

TO BE PUBLISHED NOVEMBER 1 & 8, 2017

OFFICIAL NOTICE

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

PURPOSE: The purpose of this public hearing is to consider a request by Kevin Kennedy, Walden OC, LLC, to rezone the properties at 1700, 1750, 1800, 1816, 1848, 1850, and 1900 W. Drexel Ave. from Rs-3, Single Family Residential to B-6, Interchange Regional Retail District (no change to FW, Floodway or FF, Flood Fringe).

Hearing Date: November 21, 2017
Time: 7:00 PM
Place: Oak Creek City Hall
8040 South 6th St.
Oak Creek, WI 53154
Common Council Chambers

Applicant: Kevin Kennedy, Walden OC, LLC
Property Owner: Walden OC, LLC
Property Location(s): 1700, 1750, 1800, 1816, 1848, 1850, and 1900 W. Drexel Ave.
Tax Key(s): 784-9010-001, 784-9009-001, 784-9008-000, 784-9994-001, 784-9016-000, 784-9014-000, and 784-9013-000

Legal Description:

1700 W. Drexel Ave.:

Parcel 3, CSM No. 5590, part of the Southeast ¼ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin. Excepting therefrom those portions conveyed in Document #10062927 for I-94 Highway purposes.

1750 W. Drexel Ave.:

Parcel 2, CSM No. 5590, part of the Southeast ¼ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin. Excepting therefrom those portions conveyed for Forestry right-of-way purposes described in a Document recorded as Document #10077721.

1800 W. Drexel Ave.:

Parcel 1, CSM No. 5590, part of the Southeast ¼ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

1816 W. Drexel Ave.:

The Easterly 105 feet of the Southerly 415 feet of the Westerly ½ of the Westerly ½ of the Southeast ¼ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin. Excepting therefrom the Southerly 60 feet taken for street right-of-way purposes as described in a Document recorded as Document #10077718.

1848 W. Drexel Ave.:

Parcel 1, CSM No. 7375, part of the Southeast ¼ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

1850 W. Drexel Ave.:

Parcel 3, CSM No. 7331, part of the Southeast ¼ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

1900 W. Drexel Ave.:

Parcel 2, CSM No. 7331, part of the Southeast ¼ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

The Common Council has scheduled other public hearings for November 21, 2017 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: October 25, 2017
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 6th Street, Oak Creek, Wisconsin 53154.

City of Oak Creek Common Council Report

Meeting Date: November 21, 2017

Item No.: 6

Recommendation: That the Common Council adopts Ordinance No. 2880, an ordinance to rezone the properties at 1700, 1750, 1800, 1816, 1848, 1850, & 1900 W. Drexel Ave. from Rs-3, Single Family Residential to B-6, Interchange Regional Retail District (no change to FW, Floodway or FF, Flood Fringe Districts).

Background: At the October 24, 2017 meeting, the Plan Commission recommended Common Council approval of rezoning of the properties at 1700, 1750, 1800, 1816, 1848, 1850, & 1900 W. Drexel Ave. from Rs-3, Single Family Residential to B-6, Interchange Regional Retail District (no change to FW, Floodway or FF, Flood Fringe Districts). All properties are proposed to be combined via a CSM. This request is in advance of pursuing a mixed use development.

The parcel at 7700 S. Ikea Way was rezoned to B-6 in 2016. As mentioned in the previous staff report for the CSM combining these properties with 7700 S. Ikea Way, a Comprehensive Plan Amendment for the area was updated this year to reflect plans for a mixed use development. Existing parcels in the immediate area are zoned for institutional, park, residential, commercial, and environmental uses. The B-6, Interchange Regional Retail District "is intended to provide for the orderly and attractive grouping of high-intensity retail, commercial and mixed uses along the federal interstate highway system." Following consolidation and in consideration of the future mixed use development plans, the parcel appears to be consistent with the B-6 purpose statement.

Fiscal Impact: Approval of this zoning change is the first step in the overall plans for redevelopment in this area. At this time, it is anticipated that commercial, restaurant, recreation, and service uses will comprise a majority of the plan. Development and redevelopment of parcels in this area will provide positive financial impacts in terms of tax base and impact fees. Potential impacts to the City may also include infrastructure costs (to be determined). These properties are adjacent to, but not currently part of, TID 12. An amendment to TID 12 will be required since State law requires that TIF districts be comprised of entire parcels.

Prepared by:



Kari Papelbon, CFM, AICP
Planner

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved by:



Doug Seymour, AICP
Director of Community Development

Fiscal review by:



Bridget M. Souffrant
Finance Director/Comptroller

ORDINANCE NO. 2880

By: _____

AN ORDINANCE TO REZONE THE PROPERTIES AT 1700, 1750, 1800, 1816, 1848, 1850,
& 1900 W. DREXEL AVE. FROM RS-3, SINGLE FAMILY RESIDENTIAL TO B-6,
INTERSTATE REGIONAL RETAIL DISTRICT (NO CHANGE TO FW, FLOODWAY OR FF,
FLOOD FRINGE DISTRICTS)

(2nd District)

WHEREAS, WALDEN OC, LLC has applied for a rezoning of the properties at 1700, 1750, 1800, 1816, 1848, 1850, & 1900 W. Drexel Ave. from Rs-3, Single Family Residential to B-6, Interstate Regional Retail District (no change to FW, Floodway or FF, Flood Fringe Districts).

WHEREAS, the properties are more precisely described as follows:

1700 W. Drexel Ave.:

Parcel 3, CSM No. 5590, part of the Southeast $\frac{1}{4}$ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin. Excepting therefrom those portions conveyed in Document #10062927 for I-94 Highway purposes.

1750 W. Drexel Ave.:

Parcel 2, CSM No. 5590, part of the Southeast $\frac{1}{4}$ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin. Excepting therefrom those portions conveyed for Forestry right-of-way purposes described in a Document recorded as Document #10077721.

1800 W. Drexel Ave.:

Parcel 1, CSM No. 5590, part of the Southeast $\frac{1}{4}$ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

1816 W. Drexel Ave.:

The Easterly 105 feet of the Southerly 415 feet of the Westerly $\frac{1}{2}$ of the Westerly $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin. Excepting therefrom the Southerly 60 feet taken for street right-of-way purposes as described in a Document recorded as Document #10077718.

1848 W. Drexel Ave.:

Parcel 1, CSM No. 7375, part of the Southeast $\frac{1}{4}$ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

1850 W. Drexel Ave.:

Parcel 3, CSM No. 7331, part of the Southeast $\frac{1}{4}$ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

1900 W. Drexel Ave.:

Parcel 2, CSM No. 7331, part of the Southeast $\frac{1}{4}$ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

WHEREAS, the Plan Commission reviewed the application and recommended that the rezoning be approved; and

WHEREAS, the Common Council held a public hearing on said application on November 21, 2017, at which time all interested parties appeared and were heard; and

WHEREAS, following said public hearing and with the favorable recommendation of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the rezoning was approved; and

WHEREAS, following said public hearing and upon favorable recommendation of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the rezoning was approved for the lands hereinabove described.

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 lands hereinabove described are hereby rezoned from Rs-3, Single Family Residential to B-6, Interstate Regional Retail District (no change to FW, Floodway or FF, Flood Fringe Districts), and the Zoning Map of Chapter 17 of the Municipal Code is hereby amended to reflect the rezoning.

SECTION 2: 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 3: 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 4: The rezoning shall take place contemporaneously with the enactment of this ordinance and shall take effect immediately upon its passage and publication.

Passed and adopted this 21st day of November, 2017.

President, Common Council

Approved this 21st day of November, 2017.

Mayor

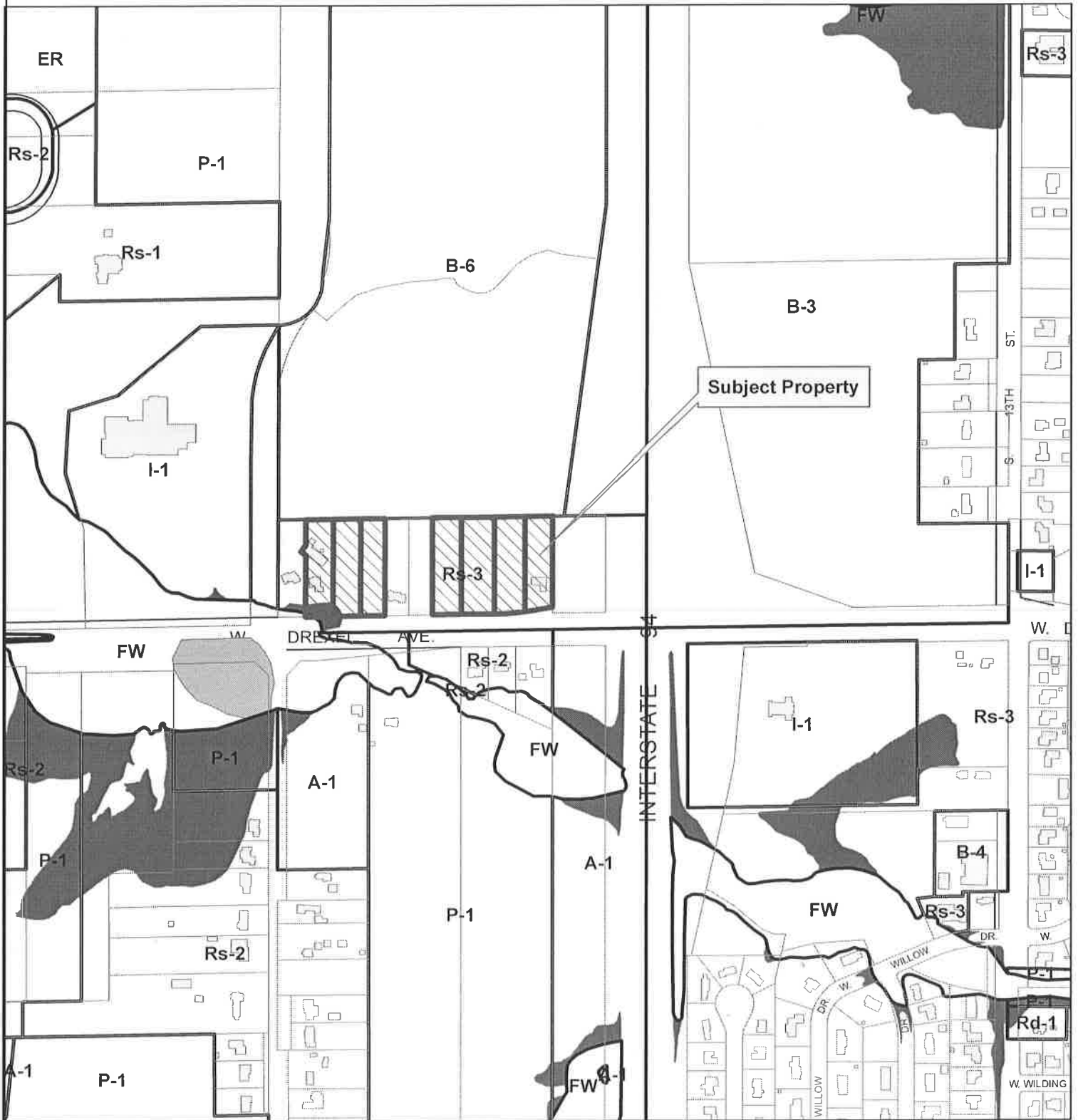
ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map

1700,1750, 1800, 1816, 1848, 1850, 1900, Drexel Ave. West



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



Department of Community Development



Legend			
	1700 Drexel Ave. West		Zoning Overlays
	1750 Drexel Ave. West		C-1-Shoreland Wetland
	1800 Drexel Ave. West		FF-Flood Fringe
	1816 Drexel Ave. West		Lakfront Overlay
	1848 Drexel Ave. West		NO-Mixed Use Neighborhood
	1850 Drexel Ave. West		OO-Mixed Use Office
	1900 Drexel Ave. West		RR-Regional Retail

**DRAFT MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, OCTOBER 24, 2017**

Motion carried.

REZONE

WALDEN OC, LLC

1700, 1750, 1800, 1816, 1848, 1850 AND 1900 W. DREXEL AVE.

**TAX KEY NOS. 784-9010-001, 784-9009-001, 784-9008-000, 784-9994-001, 784-9016-000,
784-9014-000, 784-9013-000**

Planner Papelbon provided an overview of the request to rezone the properties to B-6, Interchange Regional Retail District (see staff report for details.)

Commissioner Dickmann moved that the Plan Commission recommends to the Common Council that the properties at 1700, 1750, 1800, 1816, 1848, 1850, & 1900 W. Drexel Ave. be rezoned from Rs-3, Single Family Residential to B-6, Interstate Regional Retail District (no change to FW, Floodway or FF, Flood Fringe Districts) after a public hearing. Commissioner Loreck seconded. On roll call: all voted aye. Motion carried.

REZONE

CITY OF OAK CREEK

1920 W. DREXEL AVE.

TAX KEY NO. 784-9012-000

Planner Papelbon provided an overview of the request to rezone the property to I-1, Institutional District (see staff report for details.)

Commissioner Loreck asked if this is the property with the house still on it. Planner Papelbon responded there is no house on this property. It is currently owned by the City and has stormwater infrastructure on it. Commissioner Johnston stated that the house was torn down so that the first phase of Ikea Way could be constructed. It is not used for compensating storage for floodway and the actual road that is in that lot.

Commissioner Siepert moved that the Plan Commission recommends to the Common Council that the property at 1920 W. Drexel Ave. be rezoned from Rs-3, Single Family Residential to I-1, Institutional (no change to FW, Floodway or FF, Flood Fringe Districts) after a public hearing. Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

ATTEST:



Douglas Seymour, Plan Commission Secretary

October 27, 2017

Date

City of Oak Creek Common Council Report

Meeting Date: November 21, 2017

Item No.: 7

Recommendation: That the Council adopts Resolution No. 11882-112117, a resolution approving a Certified Survey Map for Walden OC, LLC for the properties at 1700, 1750, 1800, 1816, 1848, 1850, and 1900 W. Drexel Ave. and 7700 S. Ikea Way.

Background: The Applicant is requesting approval of a Certified Survey Map (CSM) combining the properties at 1700, 1750, 1800, 1816, 1848, 1850, & 1900 W. Drexel Ave. and 7700 S. Ikea Way. Council will recall that the parcels along Drexel Avenue were part of a recent Comprehensive Plan Amendment, which updated the future land use category and map to "Planned Mixed Use" in consideration of future development plans for the properties. Once combined, the parcel will be in excess of 27 acres.

Wetlands have been delineated and are shown on the north side of the property at 7700 S. Ikea Way (formerly 1830R W. Drexel Ave.). However, a wetland study identified several smaller wetlands not shown on the map. All wetlands must be shown on the CSM prior to recording, and a condition of approval for such is recommended above. Additionally, floodway and floodplain areas affecting the southern portions of the properties at 1850 and 1900 W. Drexel Ave. must be depicted on the CSM prior to recording.

Finally, the Oak Creek Water and Sewer Utility has stated that all laterals have been abandoned except for the water and sewer laterals serving 1900 West Drexel. These laterals will eventually need to be abandoned

The Plan Commission reviewed this CSM at their meeting on October 24, 2017, and recommended approval with the following conditions:

1. That the CSM is revised to incorporate all wetlands and floodway/floodplain areas.
2. That all unused laterals are abandoned at the main in conformance with Oak Creek Water and Sewer Utility requirements.
3. 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.

Fiscal Impact: The combination of the lots will create one (1) conforming lot, which is the subject of a rezone hearing this evening. As mentioned above, the property is anticipated to be developed with a mix of uses. Development of the lot will have positive fiscal impacts for the City in terms of assessed value and potential impact fees. These properties are adjacent to, but not part of, TID 12. An amendment to TID 12 will be required since State law requires that TIF districts be comprised of whole parcels.

Prepared by:




Kari Papelbon, CFM, AICP
Planner

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved by:



Doug Seymour, AICP
Director of Community Development

Fiscal review by:



Bridget M. Souffrant
Finance Director/Comptroller

RESOLUTION NO. 11882-112117

BY: _____

RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR
WALDEN OC, LLC

1700, 1750, 1800, 1816, 1848, 1850, and 1900 W. Drexel Ave.
(2nd 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 CSM is revised to incorporate all wetlands and floodway/floodplain areas.
2. That all unused laterals are abandoned at the main in conformance with Oak Creek Water and Sewer Utility requirements.
3. 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 CSM is revised to incorporate all wetlands and floodway/floodplain areas.
2. That all unused laterals are abandoned at the main in conformance with Oak Creek Water and Sewer Utility requirements.
3. 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 21st day of November, 2017.

Passed and adopted this 21st day of November, 2017.

President, Common Council

Approved this 21st day of November, 2017.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

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, 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 1" IRON PIPE (FOUND), UNLESS NOTED
- INDICATES SET 1.315" O.D. IRON PIPE AT LEAST 18" IN LENGTH, 1.68 LBS. PER LINEAL FOOT.

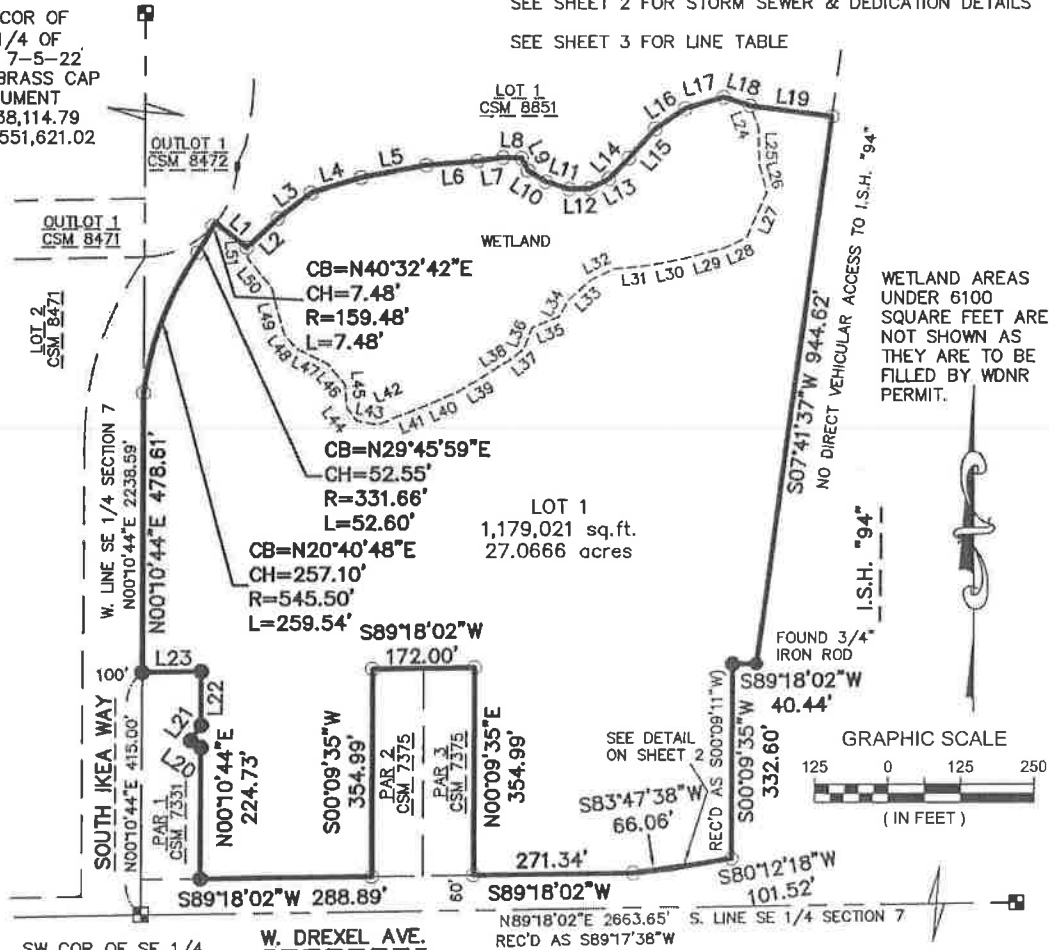
WETLANDS DELINEATED BY HEY & ASSOCIATES
SEPTEMBER 2015

ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.
ALL BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SE 1/4 OF SECTION 7, T5N, R22E, WHICH BEARS N89°18'02"E. WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD27).

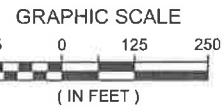
SEE SHEET 2 FOR STORM SEWER & DEDICATION DETAILS

SEE SHEET 3 FOR LINE TABLE

NW COR OF SE 1/4 OF SEC 7-5-22
FD BRASS CAP MONUMENT
N: 338,114.79
E: 2,551,621.02

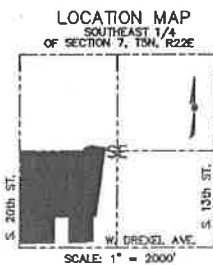


WETLAND AREAS UNDER 6100 SQUARE FEET ARE NOT SHOWN AS THEY ARE TO BE FILLED BY WDNR PERMIT.



SW COR OF SE 1/4 OF SEC 7-5-22
FD BRASS CAP MONUMENT
N: 335,461.39
E: 2,551,612.73

SE COR OF SE 1/4 OF SEC 7-5-22
FD BRASS CAP MONUMENT
N: 335,493.90
E: 2,554,276.02



R.A. Smith National, Inc.

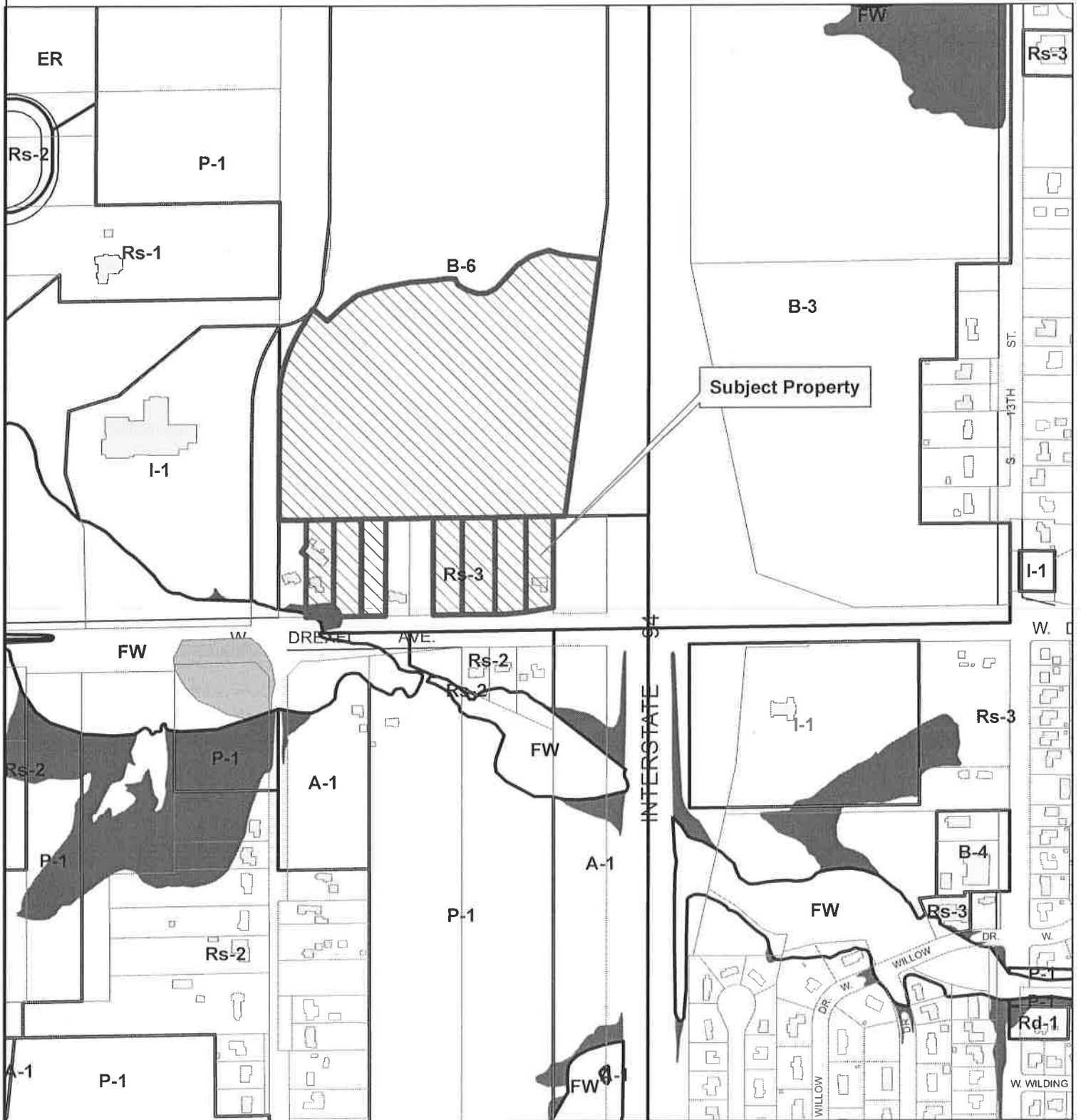
Beyond Surveying and Engineering

16745 W. Bluemound Road, Brookfield WI 53005
262-781-1000 Fax 262-797-7373 www.rasmithnational.com
Appleton, WI Irvine, CA Pittsburgh, PA

S:\5165146.dwg
CS401L.dwg SHEET 1

Location Map

1700,1750, 1800, 1816, 1848, 1850, 1900, Drexel Ave. West



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



Department of Community Development



Legend	
	1830R W Drexel Ave.
	1700 Drexel Ave West
	1750 Drexel Ave West
	1800 Drexel Ave West
	1816 Drexel Ave West
	1848 Drexel Ave West
	1850 Drexel Ave West
	1900 Drexel Ave West
	Zoning Overlays
	C-1-Sheridan Wetland
	FF-Flood Fringe
	Lakefront Overlay
	NO-Mixed Use Neighborhood
	OO-Mixed Use Office
	RR-Regional Retail

**DRAFT MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, OCTOBER 24, 2017**

CERTIFIED SURVEY MAP

WALDEN OC, LLC

1700, 1750, 1800, 1816, 1848, 1850 AND 1900 W. DREXEL AVE.

**TAX KEY NOS. 784-9010-001, 784-9009-001, 784-9008-000, 784-9994-001, 784-9016-000,
784-9014-000, 784-9013-000, & 784-9024-000**

7700 S. IKEA WAY

TAX KEY NO. 784-9024-000

Planner Papelbon provided an overview of the request (see staff report for details.)

Commissioner Loreck asked if this will land-lock this property with no access along Drexel Avenue. Planner Papelbon responded that the driveway access will be for residential purposes and at such time that the property would be proposed to be used for something other than residential, that would be something that staff would have to work with them to resolve.

Mayor Bukiewicz stated that the WisDOT traffic analysis is recommending having "no access" on Drexel Avenue, except for Ikea Way. The City wants to give the applicant ample time to conduct an engineering study to see if it would be feasible because they would like to obtain an entrance on Drexel. Mayor Bukiewicz stated that our recommendation is to follow the state and allow those accesses. In this case, it is only fair to take a look at their properties for possible developments to see if it is accessible through Ikea Way. Mayor Bukiewicz stated he would like condition #1 stricken that says, "*That the CSM is revised to incorporate the "no access" restriction along Drexel Avenue for all parcels.*", and that it can be addressed at the Common Council level at another time. Commissioner Johnston stated that Engineering staff is concerned with this and this is a safety issue for Drexel Avenue. It does not meet sight distances, reaction times for getting off the expressway ramp and getting into Ikea Way. Engineering is all aboard with no access on Drexel Avenue

Commissioner Correll moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Kevin Kennedy, Walden OC, LLC for the properties at 1700, 1750, 1800, 1816, 1848, 1850, & 1900 W. Drexel Ave. and 7700 S. Ikea Way be approved, subject to the following conditions:

1. That the CSM is revised to incorporate the "no access" restriction along Drexel Avenue for all parcels.
1. That the CSM is revised to incorporate all wetlands and floodway/floodplain areas.
2. That all unused laterals are abandoned at the main in conformance with Oak Creek Water and Sewer Utility requirements.
3. 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.

Commissioner Siepert seconded. On roll call: all voted aye, except Commissioner Johnston. Motion carried.

ATTEST:



Douglas Seymour, Plan Commission Secretary

October 27, 2017
Date

TO BE PUBLISHED NOVEMBER 1 & 8, 2017

OFFICIAL NOTICE

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

PURPOSE: The purpose of this public hearing is to consider a request by the City of Oak Creek to rezone portions of the property at 1920 W. Drexel Ave. from Rs-3, Single Family Residential to I-1, Institutional (no change to the FF, Flood Fringe or FW, Floodway Districts).

Hearing Date: November 21, 2017
Time: 7:00 PM
Place: Oak Creek City Hall
8040 South 6th St.
Oak Creek, WI 53154
Common Council Chambers

Applicant: City of Oak Creek
Property Owner: City of Oak Creek
Property Location(s): 1920 W. Drexel Ave.
Tax Key(s): 784-9012-000

Legal Description:

Parcel 1, CSM No. 7331, part of the Southeast ¼ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

The Common Council has scheduled other public hearings for November 21, 2017 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: October 25, 2017
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 6th Street, Oak Creek, Wisconsin 53154.

City of Oak Creek Common Council Report

Meeting Date: November 21, 2017

Item No.: 9

Recommendation: That the Common Council adopts Ordinance No. 2881, an ordinance to rezone a portion of the property at 1920 W. Drexel Ave. from Rs-3, Single Family Residential to I-1, Institutional (no change to the FF, Flood Fringe or FW, Floodway Districts).

Background: At the October 24, 2017 meeting, the Plan Commission recommended Common Council approval of rezoning of the property at 1920 W. Drexel Ave. from Rs-3, Single Family Residential to I-1, Institutional (no change to FF, Flood Fringe or FW, Floodway Districts). No development plans apart from public infrastructure are planned; however, additional infrastructure or reconfiguration of existing infrastructure may be required based on the development of the parcels to the north and east

Fiscal Impact: None – this property is City-owned.

Prepared by:



Kari Papelbon, CFM, AICP
Planner

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved by:



Doug Seymour, AICP
Director of Community Development

Fiscal review by:



Bridget M. Souffrant
Finance Director/Comptroller

ORDINANCE NO. 2881

By: _____

AN ORDINANCE TO REZONE PORTIONS OF THE
PROPERTY AT 1920 W. DREXEL AVE. FROM RS-3, SINGLE
FAMILY RESIDENTIAL TO I-1, INSTITUTIONAL
(NO CHANGE TO FF, FLOOD FRINGE OR FW, FLOODWAY DISTRICTS)

(2nd District)

WHEREAS, THE CITY OF OAK CREEK has applied for a rezoning of a portion of the property at 1920 W. Drexel Ave. from Rs-3, Single Family Residential to I-1, Institutional (no change to the FF, Flood Fringe or FW, Floodway Districts).

WHEREAS, the property is more precisely described as follows:

Parcel 1, CSM No. 7331, part of the Southeast ¼ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

WHEREAS, the Plan Commission reviewed the application and recommended that the rezoning be approved; and

WHEREAS, the Common Council held a public hearing on said application on November 21, 2017, at which time all interested parties appeared and were heard; and

WHEREAS, following said public hearing and with the favorable recommendation of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the rezoning was approved; and

WHEREAS, following said public hearing and upon favorable recommendation of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the rezoning was approved for the lands hereinabove described.

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 lands hereinabove described are hereby rezoned from Rs-3, Single Family Residential to I-1, Institutional (no change to FW, Floodway or FF, Flood Fringe Districts), and the Zoning Map of Chapter 17 of the Municipal Code is hereby amended to reflect the rezoning.

SECTION 2: 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 3: 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 4: The rezoning shall take place contemporaneously with the enactment of this ordinance and shall take effect immediately upon its passage and publication.

Passed and adopted this 21st day of November, 2017.

President, Common Council

Approved this 21st day of November, 2017.

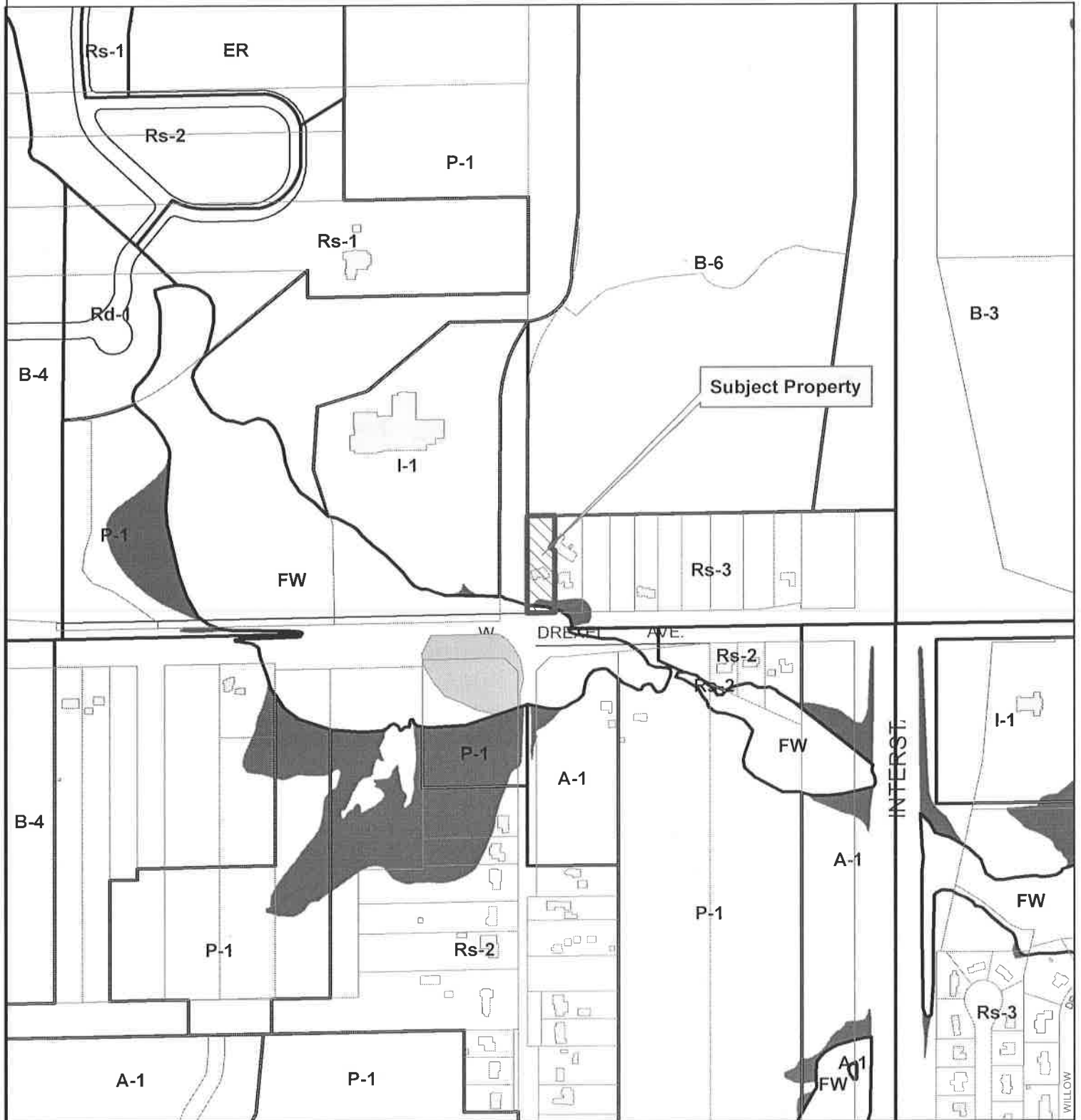
Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

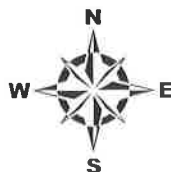
Location Map 1920 W. Drexel Ave.



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



Department of Community Development



Legend	
	1920 W Drexel Ave
Zoning Overlays	
	C1-Shirland Wetland
	FF-Flood Fringe
	Lakefront Overlay
	NO-Mixed Use Neighborhood
	OO-Mixed Use Office
	RR-Regional Retail

**DRAFT MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, OCTOBER 24, 2017**

**REZONE
CITY OF OAK CREEK
1920 W. DREXEL AVE.
TAX KEY NO. 784-9012-000**

Planner Papelbon provided an overview of the request to rezone the property to I-1, Institutional District (see staff report for details.)

Commissioner Loreck asked if this is the property with the house still on it. Planner Papelbon responded there is no house on this property. It is currently owned by the City and has stormwater infrastructure on it. Commissioner Johnston stated that the house was torn down so that the first phase of Ikea Way could be constructed. It is not used for compensating storage for floodway and the actual road that is in that lot.

Commissioner Siefert moved that the Plan Commission recommends to the Common Council that the property at 1920 W. Drexel Ave. be rezoned from Rs-3, Single Family Residential to I-1, Institutional (no change to FW, Floodway or FF, Flood Fringe Districts) after a public hearing. Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

ATTEST:



Douglas Seymour, Plan Commission Secretary

October 27, 2017
Date

TO BE PUBLISHED NOVEMBER 1 & 8, 2017

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 Marjan Strmsek to amend the Official Map for a portion of the Northeast 1/4 of Section 16 (mapped, unimproved right-of-way affecting the properties at 928 E. Forest Hill Avenue).

Hearing Date: November 21, 2017
Time: 7:00 PM
Place: Oak Creek City Hall
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

Proposed Legal Description:

A re-division of Certified Survey Map No. 821 and lands in the Southwest 1/4 of the Northeast 1/4 of Section 16, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows, to-wit: Part of the West 1/2 of Lot 7, or the West 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 16, Township 5 North, Range 22 East, more particularly described as follows: Commencing at the Southwest corner of said Northeast 1/4 Section; running thence North 89° 21' 22" East on and along the South line of said 1/4 Section, 557.63 feet to the point of beginning of the lands to be described; thence continuing North 89° 21' 22" East on and along said South line 104.26 feet to a point; thence North 0° 28' 29" East 1326.05 feet to a point in the North line of the Southwest 1/4 of the Northeast 1/4 of said Section 16; thence South 89° 21' 41" West on and along the North line of the Southwest 1/4 of the Northeast 1/4 of said 1/4 Section 629.07 feet to a point in the Easterly line of the right-of-way of the former Chicago, North Shore and Milwaukee Railway Company; thence South 21° 15' 54" East on and along said right-of-way line 1416.62 feet to the place of beginning. Containing in all 11.1621 acres of land more or less. The south 50 feet being dedicated to the City of Oak Creek for public street purposes by prior agreement and the East 40 feet over that portion of land as shown on the Certified Survey Map being dedicated to the City of Oak Creek for public street purposes

The Common Council has scheduled other public hearings for November 21, 2017 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: October 25, 2017
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 6th Street, Oak Creek, Wisconsin 53154.

City of Oak Creek Common Council Report

Meeting Date: November 21, 2017

Item No.: 11

Recommendation: That the Council adopt Ordinance No. 2882, amending Section 6.01 of the Municipal Code, an amendment to the Official Map of the Northeast ¼ of Section 16 (mapped, unimproved right-of-way affecting the property at 928 E. Forest Hill Avenue).

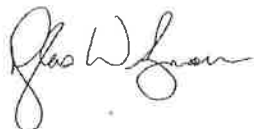
Background: The property owner would like to construct a home in the northeast portion of the property, however, the City's official map has identified a future road segment in the same location. The amendment, if approved, will remove the eastern most road segment and reconfigure the official map road on the property to connect to existing road segments to the north, west, and east parcels. Enclosed with this report is an illustration of what the new road configuration will look like.

When considering a proposal to amend the Official Map, the Commission 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 proposed reconfiguration does not negatively impact or reduce the development potential to abutting properties. The Plan Commission has recommended approval of the Official Map Amendment at their October 24, 2017 meeting.

Fiscal Impact: Approval of this Amendment by the Common Council may allow for the development of a single-family home. The proposed home would provide new tax base and \$3,996 in impact fees.

Prepared by:



Doug Seymour, AICP
Director of Community Development

Respectfully Submitted,



Andrew J. Vickers, MPA
City Administrator

Fiscal Review by:



Bridget M. Souffrant
Finance Director / Comptroller

ORDINANCE NO. 2882

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 THE NORTHEAST ¼ OF SECTION 16 (MAPPED, UNIMPROVED RIGHT-OF-WAY AFFECTING THE PROPERTIES AT 928 E. FOREST HILL AVENUE)

(1st 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 16, 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 21ST day of November, 2017.

Passed and adopted this 21st day of November, 2017.

President, Common Council

Approved this 21st day of November, 2017.

Mayor

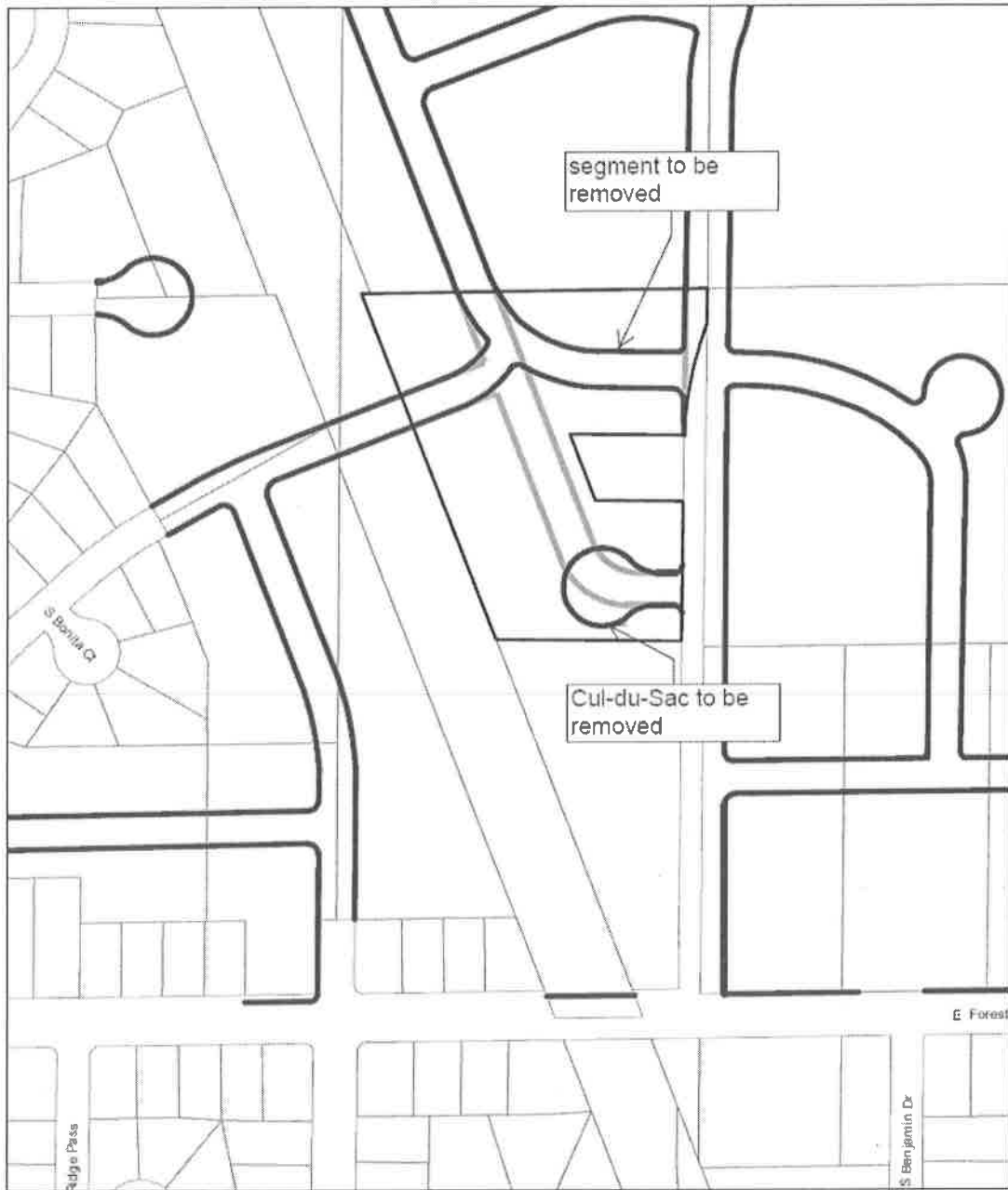
ATTEST:

City Clerk

VOTE: Ayes: _____ Noes: _____

EXHIBIT "A"

Exhibit A:
Proposed Road Map Amendment



Legend

- OCGIS.GIS.OfficialStreetPattern_lines
- Proposed Road Map Change 928 E. Forest Hill Avenue

**DRAFT MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, OCTOBER 24, 2017**

**OFFICIAL MAP AMENDMENT
NORTHEAST ¼ OF SECTION 16
928 E. FOREST HILL AVE.**

Zoning Administrator/Planner Wagner provided an overview of the request (see staff report for details.)

Commissioner Siepert asked what the lot size is. The audience indicated six acres.

Mayor Bukiewicz stated that this is almost a better concept and makes the lots more desirable than the officially-mapped street pattern.

Zoning Administrator/Planner Wagner stated there is a neighbor to the southeast with concerns about the road going in. This amendment is simply modifying lines on a map so that the parcel owner can build a house. The City has to look at any building permits or any project development as if the officially mapped roads actually exist. The way it is configured right now, the applicant would be limited to the area outside of the cul-de-sac. They were looking to build closer to Abendschein Park. In the late 1990's, there was a curb and thin strip going down. The City acquired a 30' right-of-way. That is why this person can build a house there because there is a partial right-of-way. No further division of these parcels can be done until the road actually goes through. This would be the only house that would be able to go on this parcel. Even though the road is being reconfigured, it is not as if they can start carving up that parcel for additional roads.

Commissioner Loreck moved that the Plan Commission recommends to the Common Council that the Official Map for a portion of the Northeast ¼ of Section 16 (mapped, unimproved right-of-way affecting the property at 928 E. Forest Hill Avenue) be amended as illustrated, after a public hearing. Commissioner Siepert seconded. On roll call: All voted aye. Motion carried.

ATTEST:



Douglas Seymour, Plan Commission Secretary

October 27, 2017
Date

TO BE PUBLISHED November 1 & 8, 2017

OFFICIAL NOTICE

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

PURPOSE: The purpose of this public hearing is to consider a proposed amendment to Sec. 17.0501(b)(6)(a) & 17.0501(b)(6)(b) to allow for larger accessory structures in residential zoning districts.

Hearing Date: November 21, 2017
Time: 7:00 PM
Place: Oak Creek City Hall
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

Proposal: The proposed Code Amendment for Sec. 17.0501(b)(6)(a) would allow a detached accessory structure on a parcel less than ½ acre to be no greater than 75% of the principle structure but no larger than 1,000 square feet. The proposed Code Amendment for Sec. 17.0501(b)(6)(a) would allow a detached accessory structure on a parcel greater than ½ acre to be no greater than 75% of the principle structure, but no larger than 1,200 square feet in residentially zoned districts.

The entire text of the proposed amendment to these sections is available for review upon request. Any person(s) with questions regarding the proposed changes may contact the City of Oak Creek at (414) 766-7000, during regular business hours (7:30 AM – 4:00 PM).

Date of Notice: October 25, 2017

CITY OF OAK CREEK COMMON COUNCIL
By: Dan 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 6th Street, Oak Creek, Wisconsin 53154.

City of Oak Creek Common Council Report

Meeting Date: November 21, 2017

Item No.: 13

Recommendation: That the Council adopts Ordinance No. 2883, to repeal and recreate Section 17.0501(b)(6)(a) and Section 17.0501(b)(6)(b) of the Municipal Code regarding accessory structures.

Background: Over the years, Staff and the Board of Zoning Appeals have received requests to construct accessory structures larger than currently allowed for residential properties. In 2011, the city reviewed changes to the code regarding this issue, but no code changes were adopted. The Plan Commission has reevaluated the sizes for accessory buildings on lots over and under ½ acre in size in residential districts.

The minimum dimension for a 1-car garage is 10'x20', a 2-car garage 20'x20' and for a 3-car garage, 30'x20'. Currently, for residential properties less than ½ acre, a 720 square-foot accessory building is the largest size that can be constructed. For example, a 36'x20' building or 3-car garage would be permitted on a parcel less than ½ acre. For properties over ½ acre, an accessory building can be no larger than 75% of the principle structure, not to exceed 1,000 square feet in size. This is equivalent to a 50'x20' building, or 5-car garage.

A 20-foot deep garage only allows for a vehicle to be parked in the garage with little to no area for storage for such things as garbage bins, snow blowers, lawnmowers, kids' toys, etc. Furthermore, this depth doesn't accommodate larger vehicles such as trucks and vans. Residents have been proposing garages with depths of 22-26 feet to accommodate storage and extra room between vehicles. This additional depth reduces the width of the building in such a way that the potential of storing vehicles is reduced by 1-2 cars.

Currently, residents are able to construct two 720 square-foot (less than ½ acre parcel) or two 1,000 square-foot (over ½ acre parcel) buildings, but often find that constructing two buildings to be too expensive or more space than they need.

A concern, if the size were to increase, is the issue of a residential property being completely developed, with little to no open space. Fortunately, our residential zoning districts have a section of code that prevents a residential property from being developed more than 40%. In other words, the sum total of the floor area on all floors of a principal building and all accessory buildings cannot exceed 40% of the lot area. This would ensure that backyards in subdivisions wouldn't be consumed by accessory buildings. Furthermore, accessory buildings larger than 720 square feet are required to be setback 15 feet from side and rear lot lines and 20 feet from a principle building. These regulations would also help keep the number of large accessory buildings to a minimum.

Staff is proposing to amend Section 17.0501(b)(6)(a) for residential properties less than ½ acre as stated:

The maximum square footage of detached accessory buildings or garages on single family residential lots, less than 21,780 square feet, shall be the greater of 720 square feet or 75% of the square footage of living area (excluding attached garages) within the principal building; but in no event shall the detached accessory building be larger than 1,000 square feet. No pole or block buildings will be permitted on single family residential lots less than 21,780 square feet.

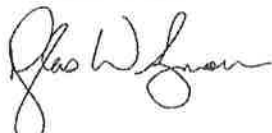
The same issues pertain to residential properties larger than ½ acre in size. Staff is proposing to amend Section 17.0501(b)(6)(b) as stated:

The maximum square footage of detached accessory buildings or garages on a single family residential lot greater than ½ acre (21,780 square feet) shall be the greater of 720 square feet or 75% of the square footage of living area (excluding attached garages) within the principal building; but in no event shall the detached accessory building be larger than 1,200 square feet.

These changes would allow for residents to build an accessory structure that would accommodate the same number of cars as before, but also allow for additional depth for storage and other allowed accessory uses in residential districts. The Plan Commission recommended to the Common Council these changes at their October 24, 2017 meeting.

Fiscal Impact: The increase in size of accessory structure will result in an increase in building permit fees and potentially raise assessed property values.

Prepared by:



Doug Seymour, AICP
Director of Community Development

Respectfully submitted,



Andrew Vickers, MPA
City Administrator

Fiscal Review by:



Bridget M. Souffrant
Finance Director/Comptroller

ORDINANCE NO. 2883

BY: _____

AN ORDINANCE TO REPEAL AND RECREATE SECTION 17.0501(b)(6)(a), AND SECTION 17.0501(b)(6)(b) OF THE MUNICIPAL CODE REGARDING ACCESSORY STRUCTURES

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

SECTION 1: Section 17.0501(b)(6)(a) of the Municipal Code is hereby repealed and recreated to read as follows:

The maximum square footage of detached accessory buildings or garages on single family residential lots, less than 21,780 square feet, shall be the greater of 720 square feet or 75% of the square footage of living area (excluding attached garages) within the principal building; but in no event shall the detached accessory building be larger than 1,000 square feet. No pole or block buildings will be permitted on single family residential lots less than 21,780 square feet.

SECTION 2: Sections 17.0501(b)(6)(b) of the Municipal Code are hereby repealed and recreated to read as follows:

The maximum square footage of detached accessory buildings or garages on a single family residential lot greater than 1/2 acre (21,780 square feet) shall be the greater of 720 square feet or 75% of the square footage of living area (excluding attached garages) within the principal building; but in no event shall the detached accessory building be larger than 1,200 square feet.

SECTION 3: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced this 21st day of November, 2017.

Passed and adopted this _____ day of _____, 2017.

President, Common Council

Approved this _____ day of _____, 2017.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

**DRAFT MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, OCTOBER 24, 2017**

**ZONING TEXT AMENDMENT
SECTION 17.0501 ACCESSORY STRUCTURES IN RESIDENTIAL ZONING DISTRICTS**

Zoning Administrator/Planner Wagner provided an overview of the request (see staff report for details.)

Niki Neal, 7249 S. Pennsylvania Ave., stated that Zoning Administrator/Planner Wagner said everything she has to say and she hopes this item passes.

Commissioner Siepert stated he doesn't see any problems with this.

Mayor Bukiewicz stated that this request was driven by a homeowner whose home was a little older. They were not allowed to go any bigger with the garage. Homes built back in the 1930's and 1940's just didn't accommodate today's needs. Mayor Bukiewicz thanked the applicant for being very patient as this item started out sometime this summer.

Commissioner Correll moved that the Plan Commission recommends to the Common Council that Sections 17.0501(b)(6)(a), & 17.0501(b)(6)(b) be amended to allow for larger accessory structures for residentially-zoned properties as proposed after a public hearing. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

ATTEST:



Douglas Seymour, Plan Commission Secretary

October 27, 2017
Date

City of Oak Creek Common Council Report

Meeting Date: November 21, 2017

Item No.: 14

Recommendation: That the Common Council consider Resolution No. 11888-112117, an Initial Resolution Regarding Industrial Development Revenue Bond Financing for Moldmakers Leasing & Investments Limited Partnership, L.L.P. Project (5th District).

Background: Moldmakers Leasing & Investments Limited Partnership, L.L.P. has approached the City of Oak Creek and the City of Milwaukee to consider this Initial Resolution through the conduit issuance of industrial development revenue bonds ("IRBs"). Under Section 66.1103(3)(f) of the Wisconsin Statutes, a municipality may issue IRBs to finance an industrial project which is located entirely outside of the municipality only if the revenue agreement for the project relates to another project with the same participant and part of which project is located within the municipality. In other words, the City of Oak Creek can issue IRBs to finance both the Oak Creek and Milwaukee projects. The request is for the City of Oak Creek to issue the bonds.

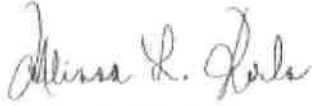
The purpose of the IRBs is to finance a project that would include the rehabilitation and improvements to facilities in both the Oak Creek and Milwaukee. This project includes the purchase of land and acquisition of an approximately 67,780 square foot manufacturing facility located at 303 Marquette Avenue in Oak Creek. This facility is leased by WS Packaging Group, Inc. for use in its printing business. The project also includes the purchase of land and acquisition of an approximately 76,478 square foot manufacturing facility located at 8501 West Tower Avenue in Milwaukee. This facility is leased by Converted Products, Inc. for use in its paper converting business.

The City of Oak Creek has issued IRBs previously. These municipal bonds are not general obligations of the City of Oak Creek. If the City decides to issue the bonds for this project, it would not be liable for any principal and interest payments on the bonds, nor have ongoing responsibilities regarding monitoring or reporting on the bonds. These bonds would not count against the City's borrowing capacity, and the City would not levy a tax for payment of the bonds. The City is simply acting as a conduit to enable the company to borrow at a lower rate of interest.

This Initial Resolution expresses an intention, subject to certain stated conditions, to issue revenue bonds in an amount not to exceed \$7,000,000 on behalf of Moldmakers Leasing & Investments Limited Partnership, L.L.P. for the above-stated purpose. If the Common Council adopts this Initial Resolution, it is anticipated that the public hearing on a final resolution would be scheduled for the December 19, 2017 Council meeting.

Fiscal Impact: There is no direct fiscal impact on the City of Oak Creek.

Prepared by:



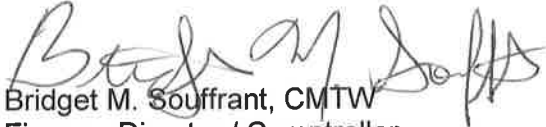
Melissa L. Karls
City Attorney

Respectfully submitted,



Andrew J. Vickers, M.P.A.
City Administrator

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

COMMON COUNCIL OF
CITY OF OAK CREEK, WISCONSIN

RESOLUTION NO. 11888-112117

**INITIAL RESOLUTION REGARDING
INDUSTRIAL DEVELOPMENT REVENUE
BOND FINANCING FOR
MOLDMAKERS LEASING & INVESTMENTS LIMITED
PARTNERSHIP, L.L.P. PROJECT**

WHEREAS, Section 66.1103 of the Wisconsin Statutes (the "Act") authorizes the City of Oak Creek, Wisconsin (the "City"), to authorize the issuance and sale of bonds by the City to construct, equip, re-equip, acquire by gift, lease or purchase, install, reconstruct, rebuild, rehabilitate, improve, supplement, replace, maintain, repair, enlarge, extend or remodel industrial projects in the City; and

WHEREAS, Section 66.1103(3)(f) provides that a municipality also may finance an industrial project which is located entirely outside the geographic limits of the municipality, but only if the revenue agreement for the project also relates to another project of the same eligible participant, part of which is located within the geographic limits of the municipality; and

WHEREAS, Moldmakers Leasing & Investments Limited Partnership, L.L.P., a Wisconsin limited liability partnership, and/or one or more related or affiliated entities, and/or one or more limited liability entities to be formed (collectively, the "Borrower"), desires to complete a multi-jurisdictional project consisting of financing the (i) purchase of land and the acquisition of an existing approximately 67,780 square foot manufacturing facility located at 303 Marquette Avenue in the City of Oak Creek, Wisconsin (the "Oak Creek Facility") which is leased by WS Packaging Group, Inc. and used in its printing business, (ii) purchase of land and the acquisition of an existing approximately 76,478 square foot manufacturing facility located at 8501 West Tower Avenue in the City of Milwaukee, Wisconsin which is leased by Converted Products, Inc. and used in its paper converting business (the "Milwaukee Facility" and collectively with the Oak Creek Facility, the "Facilities"), (iii) rehabilitation and improvements to the Facilities and (iv) payment of certain costs of issuance (collectively, the "Project"); and

WHEREAS, the cost of the Project is presently estimated to be greater than \$7,000,000, and the amount proposed to be financed with one or more series of tax-exempt and/or taxable industrial development revenue bonds does not exceed \$7,000,000; and

WHEREAS, the proposed Project is a multi-jurisdictional project which is located in the City and the City of Milwaukee, Wisconsin (the "City of Milwaukee"), and the Borrower has requested that the City and the City of Milwaukee each approve an initial resolution providing for the financing of the Project in an amount not to exceed \$7,000,000; and

WHEREAS, on or about November 28, 2017, the City of Milwaukee proposes to consider an initial resolution providing for the financing of the multi-jurisdictional Project, a portion of which is located in the City and the City of Milwaukee, in an amount not to exceed \$7,000,000; and

WHEREAS, the City shall be the issuer of said industrial development revenue bond; and

WHEREAS, the City is a municipality organized and existing under and pursuant to the laws of the State of Wisconsin, and is authorized to enter into revenue agreements with eligible participants with respect to the Project whereby eligible participants agree to cause said Project to be constructed and to pay the City an amount of funds sufficient to provide for the prompt payment when due of the principal and interest on said industrial development revenue bonds; and

WHEREAS, the Borrower has requested that the City now approve an initial resolution providing for the financing of the multi-jurisdictional Project.

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

1. Based upon representations of the Borrower, it is the finding and determination of the Common Council that the Project is a qualified "project" within the meaning of the Act and that the Borrower is an "eligible participant" within the meaning of the Act. If requested to do so by the Borrower, the City shall, subject to the conditions set forth in Section 2 below:

(a) Finance the Project in an amount not to exceed \$7,000,000; and

(b) Issue industrial development revenue bonds in one or more series of tax-exempt and/or taxable bonds in an amount not to exceed \$7,000,000 (the "Bond(s)"), in order to finance costs of the Project, located in the City and the City of Milwaukee, pursuant to Section 66.1103(3)(f) of the Wisconsin Statutes.

2. The aforesaid plan of financing contemplates, and is conditioned upon, the following:

(a) The Bonds shall never constitute an indebtedness of either the City or the City of Milwaukee within the meaning of any state constitutional provision or statutory limitation;

(b) The Bonds shall not constitute or give rise to a pecuniary liability of either the City or the City of Milwaukee or a charge against their general credit or taxing powers;

(c) The Project shall be subject to property taxation in the same amount and to the same extent as though the Project were not financed with industrial development revenue bonds;

(d) The Borrower shall find a purchaser for all of the Bonds;

(e) The City's out-of-pocket costs, including but not limited to issuance fees, legal fees and Trustee's fees, in connection with the authorization, issuance and sale of the Bonds shall be paid by the Borrower; and

(f) A notice of public hearing (the "TEFRA Hearing") required by federal law for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended, shall be published in a newspaper or newspapers of general circulation in the City and the City of Milwaukee and public hearings shall be held by both the City and the City of Milwaukee to provide interested individuals or parties the opportunity to testify with respect to the nature and location of the Project and the issuance of the Bonds to finance the Project.

3. The aforesaid plan of financing shall not be legally binding upon the City nor be finally implemented unless and until:

(a) The details and mechanics of the same are authorized and approved by a further resolution of the Common Council which shall be solely within the discretion of the Common Council;

(b) The City Clerk shall cause notice of adoption of this Initial Resolution, in the form attached hereto as Exhibit A, to be published once in a newspaper of general circulation in the City, and the electors of the City shall have been given the opportunity to petition for a referendum on the matter of the aforesaid Bond issue, all as required by law;

(c) Either no such petition shall be timely filed or such petition shall have been filed and said referendum shall have approved the Bond issue;

(d) The City and the City of Milwaukee shall have received an employment impact estimate issued under Section 238.11 of the Wisconsin Statutes;

(e) All documents required to consummate the financing have been duly authorized and delivered;

(f) The City, the City of Milwaukee and the Borrower have resolved all land use and special use issues with respect to the affected property and the Project; and

(g) The City and the City of Milwaukee have approved the issuance of the Bonds following the TEFRA Hearing required by Section 2(f) above.

4. Pursuant to the Act, all requirements that the Project be subject to the contracting requirements contained in Section 66.1103 are waived, the Borrower having represented that it is able to negotiate satisfactory arrangements for completing the Project and that the City's interests are not prejudiced thereby.

5. The City Clerk is directed, following adoption of this Initial Resolution (i) to publish notice of such adoption not less than one time in the official newspaper of the City, such notice to be in substantially the form attached hereto as Exhibit A and (ii) to file a copy of this Initial Resolution, together with a statement indicating the date the Notice to Electors was published, with the Wisconsin Economic Development Corporation within twenty (20) days following the date of publication of such notice.

6. This Initial Resolution is an "initial resolution" within the meaning of the Act and official action toward issuance of the Bonds for purposes of Sections 103 and 144 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder. Furthermore, it is the reasonable expectation of the City that proceeds of the Bonds may be used to reimburse expenditures made on the Project prior to the issuance of the Bonds. The maximum principal amount of debt expected to be issued for the Project on the date hereof is \$7,000,000. This statement of official intent is made pursuant to Internal Revenue Code §1.150-2.

Adopted: November 21, 2017.

CITY OF OAK CREEK, WISCONSIN

[SEAL]

By: _____
Daniel J. Bukiewicz, Mayor

By: _____
Catherine A. Roeske, City Clerk

EXHIBIT A

NOTICE TO ELECTORS OF THE CITY OF OAK CREEK, WISCONSIN

TAKE NOTICE that the Common Council of the City of Oak Creek, Wisconsin (the "City"), at a regular meeting held at City Hall, 8040 South 6th Street, Oak Creek, Wisconsin, on November 21, 2017, adopted an Initial Resolution pursuant to Section 66.1103 of the Wisconsin Statutes, as amended, expressing the intention to issue not to exceed \$7,000,000 of industrial development revenue bonds of the City (the "Bonds") on behalf of Moldmakers Leasing & Investments Limited Partnership, L.L.P., a Wisconsin limited liability partnership, and/or one or more related or affiliated entities, and/or one or more limited liability entities to be formed (collectively, the "Borrower"), to complete a project consisting of financing (i) purchase of land and the acquisition of an existing approximately 67,780 square foot manufacturing facility located at 303 Marquette Avenue in the City of Oak Creek, Wisconsin (the "Oak Creek Facility") which is leased by WS Packaging Group, Inc. and used in its printing business, (ii) purchase of land and the acquisition of an existing approximately 76,478 square foot manufacturing facility located at 8501 West Tower Avenue in the City of Milwaukee, Wisconsin which is leased by Converted Products, Inc. and used in its paper converting business (the "Milwaukee Facility" and collectively with the Oak Creek Facility, the "Facilities"), (iii) rehabilitation and improvements to the Facilities and (iv) payment of certain costs of issuance. The Borrower has represented that no full-time jobs are expected to be created at either the Oak Creek Facility or the Milwaukee Facility as a result of the Project and that existing jobs will be retained.

Pursuant to the terms of Section 66.1103 of the Wisconsin Statutes, all requirements that the Project be subject to the contracting requirements contained in Section 66.1103 are waived, the Borrower having represented that it is able to negotiate satisfactory arrangements for completing the Project and that the City's interests are not prejudiced thereby.

THE BONDS SHALL NEVER CONSTITUTE AN INDEBTEDNESS OF THE CITY, NOR SHALL THE BONDS GIVE RISE TO ANY PECUNIARY LIABILITY OF THE CITY, NOR SHALL THE BONDS BE A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWERS OF THE CITY. RATHER, THE BONDS SHALL BE PAYABLE SOLELY FROM THE REVENUES AND OTHER AMOUNTS TO BE DERIVED PURSUANT TO THE REVENUE AGREEMENT RELATING TO SAID PROJECT TO BE ENTERED INTO BETWEEN THE CITY AND THE BORROWER.

The Initial Resolution may be inspected in the office of the City Clerk at 8040 South 6th Street, Oak Creek, Wisconsin, during business hours.

TAKE FURTHER NOTICE THAT THE ELECTORS OF THE CITY OF OAK CREEK MAY PETITION FOR A REFERENDUM ON THE QUESTION OF THE BOND ISSUE. Unless within thirty (30) days from the date of the publication of this Notice a petition signed by not less than five percent (5%) of the registered electors of the City of Oak Creek is filed with the City Clerk requesting a referendum on the question of the issuance of the Bonds, the City will issue the Bonds without submitting the proposition for the electors' approval. If such petition is filed as aforesaid, then the Bonds shall not be issued until approved by a majority of the electors of the City of Oak Creek voting thereon at a general or special election.

Catherine A. Roeske, City Clerk
City of Oak Creek, Wisconsin

CERTIFICATION BY CITY CLERK

I, Catherine A. Roeske duly sworn, hereby certify that I am the duly qualified and acting City Clerk of the City of Oak Creek, Wisconsin (the "City"), and as such I have in my possession, or have access to, the complete corporate records of the City and of its Common Council; that I have carefully compared the transcript attached hereto with the aforesaid records; and that said transcript attached hereto is a true, correct and complete copy of all the records in relation to the adoption of Resolution No. 11888-112117 entitled: INITIAL RESOLUTION REGARDING INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING FOR MOLDBAKERS LEASING & INVESTMENTS LIMITED PARTNERSHIP, L.L.P. PROJECT

I hereby further certify as follows:

1. Said Initial Resolution was considered for adoption by the Common Council at a meeting held at City Hall, 8040 South 6th Street, Oak Creek, Wisconsin, at _____ p.m. on November 21, 2017. Said meeting was a regular meeting of the Common Council and was held in open session.

2. Said Initial Resolution was on the agenda for said meeting and public notice thereof was given not less than twenty-four (24) hours prior to the commencement of said meeting in compliance with Section 19.84 of the Wisconsin Statutes, including, without limitation, by posting on the bulletin board in the City Hall, by notice to those news media who have filed a written request for notice of meetings, and by notice to the official newspaper of the City.

3. Said meeting was called to order by _____, who chaired the meeting. Upon roll, I noted and recorded that the following alderpersons were present:

_____	_____
_____	_____
_____	_____

and that the following alderpersons were absent:

_____	_____
_____	_____

I noted and recorded that a quorum was present. Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was said Initial Resolution, which was introduced, and its adoption was moved by _____ and seconded by _____. Following discussion and after all alderpersons who desired to do so had expressed their views for or against said Initial Resolution, the question was called, and upon roll being called and the continued presence of a quorum being noted, the recorded vote was as follows:

AYE:

_____	_____
_____	_____
_____	_____

NAY:

_____	_____
_____	_____

ABSTAINED:

_____	_____
_____	_____

Whereupon the meeting chairperson declared said Initial Resolution adopted, and I so recorded it.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the City hereto on this
21st day of November, 2017.

[SEAL]

Catherine A. Roeske, City Clerk

20800 Swenson Drive, Suite 300
Waukesha, WI 53186-2058
Direct: 262-956-6249
Fax: 262-956-6210
Lynda.Templen@huschblackwell.com

November 14, 2017

TO THE ATTACHED DISTRIBUTION LIST

**RE: \$7,000,000 City of Oak Creek, Wisconsin
Industrial Development Revenue Bonds, Series 2016
(Moldmakers Leasing & Investments Limited Partnership, L.L.P. Project)**

Greetings:

At the request of Moldmakers Leasing & Investments Limited Partnership, L.L.P., a Wisconsin limited liability partnership, and/or one or more related or affiliated entities, and/or one or more limited liability entities to be formed (the "Borrower"), we have prepared drafts of documents necessary for the consideration and adoption of an Initial Resolution Regarding Industrial Development Revenue Bond Financing for Moldmakers Leasing & Investments Limited Partnership, L.L.P. Project (the "Initial Resolution") by the Common Council of the City of Oak Creek, Wisconsin (the "City of Oak Creek") on November 21, 2017. The multi-jurisdictional project consists of financing the (i) purchase of land and the acquisition of an existing approximately 67,780 square foot manufacturing facility located at 303 Marquette Avenue in the City of Oak Creek, Wisconsin (the "Oak Creek Facility") which is leased by WS Packaging Group, Inc. and used in its printing business, (ii) purchase of land and the acquisition of an existing approximately 76,478 square foot manufacturing facility located at 8501 West Tower Avenue in the City of Milwaukee, Wisconsin which is leased by Converted Products, Inc. and used in its paper converting business (the "Milwaukee Facility" and collectively with the Oak Creek Facility, the "Facilities"), (iii) rehabilitation and improvements to the Facilities and (iv) payment of certain costs of issuance, all of which would contribute to the well-being of the City of Oak Creek and the City of Milwaukee, Wisconsin (the "City of Milwaukee").

Federal and state law requires that the authorization for such an industrial development revenue bond be done in two stages (first, the consideration of an Initial Resolution by the Common Council of the City of Oak Creek, and second, the consideration of a final resolution (the "Final Resolution") by the Common Council of the City of Oak Creek).

The Initial Resolution is not a commitment to issue bonds, but merely evidences the City of Oak Creek's "official intent" to issue bonds pending satisfactory negotiation of the terms.

The Final Resolution to be considered by the Common Council at a future meeting will be drafted and presented to the City of Oak Creek only after negotiations for the bond issue have been completed.

As provided in the Project description above, the Project is a multi-jurisdictional Project, a portion of which is located in the City of Oak Creek and a portion of which is located in the City of Milwaukee. Pursuant to Section 66.1103(3)(f) of the Wisconsin Statutes, a municipality may finance an industrial project which is located entirely outside the geographic limits of the municipality, but only if the revenue agreement for the project also relates to another project of the same eligible participant, part of which is located within the geographic limits of the municipality. Because the proposed Project is currently located in the City of Oak Creek and the City of Milwaukee, the Borrower is requesting both municipalities to consider an Initial Resolution. The City of Milwaukee will consider an Initial Resolution on or about November 28, 2017. However, the Borrower is requesting that the City of Oak Creek be the issuer of the bonds.

Enclosed are the following documents necessary to allow the Common Council to consider the Initial Resolution at its November 21, 2017 meeting:

- (1) Initial Resolution, with the form of Notice to Electors of the City of Oak Creek, Wisconsin, attached as Exhibit A;
- (2) Good faith fee estimate letter required under Section 66.1103 of the Wisconsin Statutes;
- (3) A form of the Notice of Public Hearing (the so-called "TEFRA" notice – *both the City of Oak Creek and the City of Milwaukee will hold separate Public Hearings*); and
- (4) Notice of Intent to Obtain a Municipal Industrial Revenue Bond, which contains information regarding job estimates.

We have also enclosed a "Checklist for the City of Oak Creek" and a summary for informational purposes.

The following, in chronological order, are the steps necessary to issue the bonds:

1. The Common Council considers Initial Resolution on November 21, 2017.
2. For agenda purposes, the City Clerk should describe the Initial Resolution as follows for the November 21, 2017 meeting:

"Consideration of an Initial Resolution Regarding Development Revenue Bond Financing for Moldmakers Leasing & Investments Limited Partnership, L.L.P. Project. Information with respect to the job impact of the project will be available at the time of consideration of the Initial Resolution."

3. The Initial Resolution should be considered by the Common Council at its meeting on November 21, 2017. The meeting must meet the requirements of an open meeting under Sections 19.81 et seq. of the Wisconsin Statutes. Pursuant to Section 19.85 of the Wisconsin Statutes, the Common Council may not commence a meeting, subsequently convene in closed session, and reconvene in open session, unless public notice of such subsequent open session was given at the same time, and in the same manner, as the notice of the meeting convened prior to the closed session. If the Common Council proposes to go into closed session at the meeting, please contact me to discuss this issue. **A representative of the Borrower should attend the November 21, 2017 meeting to answer questions regarding the Project and provide job estimate information to the Common Council.**

Under federal regulations for cost recovery, reimbursement of the Borrower's expenditures with bond proceeds can only occur if the Issuer adopts the Initial Resolution. This Initial Resolution may apply to expenditures made by the Borrower within sixty (60) days prior to the adoption of the Initial Resolution and, in general, the reimbursement must be made no later than three (3) years after the original expenditure.

4. On November 22, 2017, the City Clerk should call Kate L. Albrecht at our office (262-956-6244) to confirm that the Initial Resolution was adopted. Kate will publish the Notice to Electors, which is attached to the Initial Resolution as Exhibit A, in the City of Oak Creek's local newspaper. After the notice is published, the electors of the City of Oak Creek have thirty (30) days during which to circulate a petition for a referendum. In my personal experience, only one such referendum has ever been placed on the ballot, out of hundreds of industrial development revenue bond issues.

5. The City Clerk should mail a copy of the Initial Resolution (the Certificate by City Clerk which is attached to the Initial Resolution should be completed and signed) to Kate L. Albrecht. Kate will send a copy of the Initial Resolution, along with the date that the Notice to Electors was published, to Steven Sabatke at the Wisconsin Economic Development Corporation.

6. The federal tax law known as the Tax Equity and Fiscal Responsibility Act of 1986 ("TEFRA"), requires that this Project, which is being funded with tax-exempt bond proceeds, be the subject of a noticed public hearing called a TEFRA public hearing. These hearings provide interested individuals or parties the opportunity to testify on any matters related to such potential bond issues, including the nature and location of the Project.

Therefore, at a future date, a notice regarding the scheduled TEFRA public hearing must be published (our office will publish the Notice of Public Hearing on behalf of the City of Oak Creek) and held before the City of Common Council. The Notice of Public Hearing must be published no later than fourteen (14) days before the TEFRA public hearing. We will notify the City of Oak Creek in the future to schedule the TEFRA public hearing date. A representative of the Borrower should attend the TEFRA public hearing.

7. At a future date, the Common Council will consider the Final Resolution. The Common Council meeting must meet the requirements of an open meeting under Sections 19.81 et seq. of the Wisconsin Statutes

8. After the preliminary steps outlined above have been completed, the Borrower and the Purchaser will need to negotiate the bond documents (to be prepared by Husch Blackell LLP) in preparation for the sale of the bonds. The pricing will occur just prior to the Common Council meeting during which the Common Council will be asked to adopt the Final Resolution.

The foregoing is a brief sketch of the procedural steps that must be followed when issuing industrial development revenue bonds. The key point to remember is that the City of Oak Creek will be considering, from a policy standpoint, whether to encourage the location of the Project in the City of Oak Creek. By issuing the bonds, the City of Oak Creek will give the Borrower an interest rate benefit because the bonds will be tax-exempt in the hands of the Purchaser. It must be emphasized that the City of Oak Creek will not be liable in any way on the bonds; the bonds are special, limited obligations of the City of Oak Creek.

We are simultaneously delivering to the City Clerk the good faith fee estimate letter required under Section 66.1103 of the Wisconsin Statutes. A copy of this letter should be signed by Catherine. A. Roeske and returned to us to evidence her receipt of the letter.

An authorized officer of the Borrower should sign the enclosed Notice of Intent to Obtain a Municipal Industrial Revenue Bond (the "Notice of Intent") and return it to me. We will send the signed Notice of Intent to the City Clerk and to Steven Sabatke at the Wisconsin Economic Development Corporation. Whoever attends the City meetings on behalf of the Borrower should bring the signed Notice of Intent.

We are looking forward to working with everyone on this Project. Please call me with any questions or comments.

Very truly yours,

Lynda R. Templen

LRT/kla

Notice of Intent to Obtain a Municipal Industrial Revenue Bond

Section 66.1103 (4m) (a) 1 of the Wisconsin Statutes requires the person or business who intends to obtain an industrial revenue bond issue from a Wisconsin municipality to notify this intention to the Wisconsin Economic Development Corporation and to any collective bargaining agent in the state with whom the person or business has a collective bargaining agreement. This notification must occur at least 30 days prior to entering into the revenue agreement or signing the loan contract. The person or business must provide information on the number of full-time jobs that are expected to be eliminated, created, or maintained at the project site and elsewhere in Wisconsin as a result of the project which is the subject of this notice. The person or business named below hereby gives notice of intent to obtain an Industrial Revenue Bond pursuant to s. 66.1103 of the Wisconsin Statutes.

I. Project

A. Person: Mary Moase
 Business: Moldmakers Leasing & Investments Limited Partnership, L.L.P.
 Address: N27 W24025 Paul Court, Suite 200
 Post Office/ZIP: Pewaukee, WI 53072

B. Project site: City of Oak, Wisconsin -AND- City of Milwaukee, Wisconsin
 (Name of city, village or town in which the project is located)

C. Project type: Expansion at Present Location Relocation Within Same Municipality
 Relocation From Within State Relocation from Out-of-State New Business
 Branch-Wisconsin Operation Branch-Out-of-State Operation Building Acquisitions

D. Maximum amount of IRB financing: \$7,000,000

II. Employment Estimates (to result within the next 3 years)

Number of Full-Time Jobs	Before Project	To Be Maintained	To Be Created	To Be Eliminated	Net Total Number of Jobs
A. At the Project Site (City of Oak Creek)	85	85	-0-	-0-	85
At the Project Site (City of Milwaukee)	70	70	-0-	-0-	70
B. At All Other Wisconsin Operations	-0-	-0-	-0-	-0-	-0-
C. <u>Net Totals</u>	155	155	-	-	155

D. Will any jobs transfer from one or more locations to the project site? Yes No

Number of jobs to transfer: _____

Location(s) the jobs will transfer from: (municipality) _____

Mary Moase
 Signed/Person completing this form

Mary Moase
 Name

11/14/17
 Date

414-218-7269
 Telephone Number

[HUSCH BLACKWELL LLP WILL PUBLISH NOTICE
ON BEHALF OF CITY AFTER PUBLIC HEARING DATE HAS BEEN SCHEDULED]

FORM OF NOTICE OF PUBLIC HEARING

Pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, the Common Council of the City of Oak Creek, Wisconsin, will hold a public hearing at _____ p.m. on _____, 2017, at City Hall, 8040 South 6th Street, Oak Creek, Wisconsin, regarding the proposed issuance of City of Oak Creek, Wisconsin, Industrial Development Revenue Bonds, Series 2017 (Moldmakers Leasing & Investments Limited Partnership, L.L.P. Project), in an aggregate amount not to exceed \$7,000,000, pursuant to Section 66.1103 of the Wisconsin Statutes, to finance a multi-jurisdictional project on behalf of Moldmakers Leasing & Investments Limited Partnership, L.L.P., a Wisconsin limited liability partnership, and/or one or more related or affiliated entities, and/or one or more limited liability entities to be formed (collectively, the "Borrower"). The bonds are special, limited obligations of the City of Oak Creek and do not constitute a charge against its general credit or taxing powers.

The multi-jurisdictional project consists of financing the (i) purchase of land and the acquisition of an existing approximately 67,780 square foot manufacturing facility located at 303 Marquette Avenue in the City of Oak Creek, Wisconsin (the "Oak Creek Facility") which is leased by WS Packaging Group, Inc. and used in its printing business, (ii) purchase of land and the acquisition of an existing approximately 76,478 square foot manufacturing facility located at 8501 West Tower Avenue in the City of Milwaukee, Wisconsin which is leased by Converted Products, Inc. and used in its paper converting business (the "Milwaukee Facility" and collectively with the Oak Creek Facility, the "Facilities"), (iii) rehabilitation and improvements to the Facilities and (iv) payment of certain costs of issuance (collectively, the "Project").

At the hearing, all persons will be afforded a reasonable opportunity to express their views, both orally and in writing, on the proposed bonds and the location and nature of the Project proposed to be financed. Comments made at the public hearing are for the consideration of the Common Council of the City of Oak Creek, but do not bind any legal action to be taken by it.

Published: _____, 2017
Catherine A. Roeske, City Clerk
City of Oak Creek, Wisconsin

Lynda R. Templen
Partner

20800 Swenson Drive, Suite 300
Waukesha, WI 53186-2058
Direct: 262-956-6249
Fax: 262-956-6210
Lynda.Templen@huschblackwell.com

November 14, 2017

Catherine A. Roeske, City Clerk
City of Oak Creek
8040 South 6th Street
Oak Creek, WI 53154

Steve Sabatke
Underwriting Manager
Wisconsin Economic Development Corporation
201 West Washington Avenue, 6th Floor
Madison, WI 53703

**RE: \$7,000,000 City of Oak Creek, Wisconsin
Industrial Development Revenue Bonds, Series 2017
(Moldmakers Leasing & Investments Limited Partnership, L.L.P. Project)**

Greetings:

We understand that in the near future, the Common Council of the City of Oak Creek, Wisconsin (the "City"), will take action on an Initial Resolution for industrial development revenue bond financing under Section 66.1103 of the Wisconsin Statutes on behalf of Moldmakers Leasing & Investments Limited Partnership, L.L.P., a Wisconsin limited liability partnership, and/or one or more related or affiliated entities, and/or one or more limited liability entities to be formed.

Section 66.1103 of the Wisconsin Statutes requires that prior to the adoption of the Initial Resolution, a document containing a good faith estimate of the legal fees which will be paid from the bond proceeds must be filed with the City Clerk of the City and with the Wisconsin Economic Development Corporation. This letter is that document.

Estimating legal fees at this stage in the proceedings is difficult because many of the most significant factual matters which may affect legal costs are not known in detail at this time. The size and structure of the bond issue have not been finalized. These and other matters normally are negotiated and determined after the Initial Resolution is adopted. As a result, the scope and amount of work

which the various parties may choose to refer to their lawyers can vary considerably as the economic aspects of the financing develop.

The relationship of these variables to an estimate of aggregate legal fees is evident from the principles which lawyers apply in charging fees for their services. Fees for services rendered by any Wisconsin lawyer should be consistent with, and grounded upon, the Rules of Professional Conduct for Attorneys of the American Bar Association, as currently enforced in Wisconsin. Those rules set forth the following basic guidelines:

A lawyer's fee shall be reasonable. Factors to be considered as guides in determining the reasonableness of a fee include the following:

- (1) The time and labor required, the novelty and the difficulty of the questions involved, and the skill requisite to perform the legal service properly.
- (2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer.
- (3) The fee customarily charged in the locality for similar legal services.
- (4) The amount involved and the results obtained.
- (5) The time limitations imposed by the client or by the circumstances.
- (6) The nature and length of the professional relationship with the client.
- (7) The experience, reputation and ability of the lawyer or lawyers performing the services.
- (8) Whether the fee is fixed or contingent.

The maximum principal amount of the bonds will not exceed \$7,000,000.

The following is a good faith estimate of the legal fees which will be paid from the proceeds of the bonds with respect to this financing:

COUNSEL

FEE ESTIMATE

Bond Counsel

\$38,000, plus disbursements*

Counsel to the Eligible Participant

It is unknown whether the legal fees and disbursements of such counsel will be paid from the proceeds of the bonds

Attorneys who have not yet been identified who may be involved in the transaction, including, without limitation, counsel to any Trustee involved, any real estate counsel involved, and any counsel to the initial bond purchaser(s)

It is unknown whether the legal fees and disbursements of such counsel will be paid from the proceeds of the bonds

The actual fee charged by each of the lawyers acting in this matter may vary considerably from the estimates provided above. Without purporting to be exhaustive, the following are reasons why actual fees may be higher or lower than the estimate: (i) assumptions regarding the size, structure, complexity and timing of the bond financing may change; (ii) clients may alter the scope of their lawyers' engagement; (iii) parties may require legal opinions or legal advice beyond that normally requested in similar financings; and (iv) unforeseen legal problems may arise.

We are writing and filing this letter to comply with the requirements of Section 66.1103 of the Wisconsin Statutes. To the extent that we have estimated attorneys' fees other than our own, we did so on the basis of prior experience and information available to us at the time of writing this letter.

Please complete and return the receipt below in the envelope provided. A copy of this letter is enclosed for your files. Thank you.

Very truly yours,

Lynda R. Templen

*Estimate only, based on par.

The undersigned acknowledge receipt of the foregoing this ____ day of _____,
2017.

**WISCONSIN ECONOMIC DEVELOPMENT
CORPORATION**

By: _____
Steven Sabatke, Underwriting Manager

CITY OF OAK CREEK, WISCONSIN

By: _____
Catherine A. Roeske, City Clerk

Summary
Request for City of Oak Creek, Wisconsin to Serve as Conduit Issuer
for
Not to Exceed \$7,000,000 Industrial Development Revenue Bonds
to Benefit Moldmakers Leasing & Investments Limited Partnership, L.L.P. Project

This will summarize the request of Moldmakers Leasing & Investments Limited Partnership, L.L.P., a Wisconsin limited liability partnership, and/or one or more related or affiliated entities, and/or one or more limited liability entities to be formed (collectively, the “Company”), asking that the City of Oak Creek, Wisconsin (the “City”) consider an Initial Resolution to benefit the Company through the conduit issuance of industrial development revenue bonds (“IRBs”) to finance a multi-jurisdictional project located in the City and the City of Milwaukee, Wisconsin consisting of the (i) purchase of land and the acquisition of an existing approximately 67,780 square foot manufacturing facility located at 303 Marquette Avenue in the City of Oak Creek, Wisconsin (the “Oak Creek Facility”) which is leased by WS Packaging Group, Inc. and used in its printing business, (ii) purchase of land and the acquisition of an existing approximately 76,478 square foot manufacturing facility located at 8501 West Tower Avenue in the City of Milwaukee, Wisconsin which is leased by Converted Products, Inc. and used in its paper converting business (the “Milwaukee Facility” and collectively with the Oak Creek Facility, the “Facilities”), (iii) rehabilitation and improvements to the Facilities and (iv) payment of certain costs of issuance (collectively, the “Project”). In an IRB transaction, a state or local governmental entity issues bonds and loans the proceeds from the sale of the bonds to a private entity for an authorized project. In Wisconsin, cities, villages and towns, as well as duly constituted redevelopment authorities and community development authorities may issue IRBs.

As provided in the Project description above, the Project is a multi-jurisdictional Project, a portion of which is located in the City of Oak Creek and the City of Milwaukee. Pursuant to Section 66.1103(3)(f) of the Wisconsin Statutes, a municipality may finance an industrial project which is located entirely outside the geographic limits of the municipality, but only if the revenue agreement for the project also relates to another project of the same eligible participant, part of which is located within the geographic limits of the municipality. Because the proposed Project is currently located in the City of Oak Creek and the City of Milwaukee, the Borrower is requesting each municipality to consider an Initial Resolution. However, the Borrower is requesting that the City of Oak Creek be the issuer of the bonds.

These IRBs are municipal bonds; however, they are not general obligations of the City. If the City agrees to issue bonds to benefit the proposed Project:

1. The City will not be liable for payment of the principal and interest on the bonds;
2. The City will not have ongoing responsibilities of monitoring or reporting with regard to the bonds or the Project.
3. The bonds do not count against the City’s borrowing capacity. The City will not levy a tax for payment of the bonds.

The City acts strictly as a conduit, which enables the Company to borrow at a lower rate of interest.

Because the bonds are issued by a governmental entity, the holder of the bond may exclude the interest on the bonds from gross income for federal tax purposes.

Inducement/Reimbursement

Companies considering IRB financing must obtain an Initial Resolution, also sometimes referred to as an “inducement resolution” or “qualified reimbursement resolution” from the municipality in which the Project being financed is located in order to preserve the option to use IRBs. The Initial Resolution is preliminary approval only and is non-binding as to the City or the Company but is required by Federal tax law and State law. If the Initial Resolution is adopted by the City, this will assure that when and if bonds are issued, all eligible project costs incurred no more than 60 days prior to the date of the Initial Resolution (including reimbursement of equity contributions or refunding of conventional financing), may be included in the ultimate IRB financing. Failure to have a qualified resolution may result in disqualifying certain costs.

The Company will benefit from the tax-exempt financing by owning and/or using the bond financed-facilities and will enjoy a lower interest rate as a result of using a bond structure. A lending institution will directly purchase the bonds. The lender for the bonds will look solely to the Company for repayment. Bondholders will not look to the City for payment. The City will assign all of its rights, liability and responsibilities under the bonds to the lender as the bondholder. The Company will be fully responsible for repaying the loan and must make the arrangements with the lender for the payment on the bonds. If the Company is not able to meet its payment obligations, the lender will realize on its collateral and enforce its rights against the Company. The City is not liable for payment.

The foregoing is just a brief discussion of tax-exempt financing. By issuing the bonds, the City will give the Company an interest rate benefit, because the tax-exempt bonds will be tax-exempt in the hands of the bondholders and, therefore, the cost savings passed along to the Company. It must be emphasized that the City will not be liable in any way on the bonds; the bonds are special, limited obligations of the City.

The Company respectfully asks that the City consider the Initial Resolution on November 21, 2017. For agenda purposes, the City should please describe the Initial Resolution as follows:

“Consideration of an Initial Resolution Regarding Industrial Development Revenue Bond Financing for Moldmakers Leasing & Investments Limited Partnership, L.L.P. Project. Information with respect to the job impact of the project will be available at the time of consideration of the Initial Resolution.”

Someone from the Company will attend the Common Council meeting to answer any questions.

[\$7,000,000]
City of Oak Creek, Wisconsin
Industrial Development Revenue Bonds, Series 2017
(Moldmakers Leasing & Investments Limited Partnership, L.L.P. Project)

DISTRIBUTION LIST

ISSUER

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Oak Creek, WI 53154

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E-mail: croeske@oakcreekwi.org

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BORROWER

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rkrauthoefer@firstbusiness.com
ccerbins@firstbusiness.com
bastork@michaelbest.com

\$7,000,000
City of Oak Creek, Wisconsin
Industrial Development Revenue Bonds, Series 2017
(Moldmakers Leasing & Investments Limited Partnership, L.L.P. Project)

CHECKLIST FOR CITY OF OAK CREEK, WISCONSIN (the "Issuer")

ITEM	ACTION TO BE TAKEN BY ISSUER	DATE ACTION TAKEN
1. Husch Blackwell LLP ("HB") provides Procedure Letter to City of Oak Creek, Wisconsin ("Issuer").	N/A	November 14, 2017
2. HB provides Fee Estimate Letter to City Clerk of Issuer and Wisconsin Economic Development Corporation ("WEDC").	City Clerk signs Fee Estimate Letter and returns to HB.	November 14, 2017
3. HB / Borrower provide Job Estimate to Issuer, WEDC and union representatives (if any).	N/A	November 14, 2017
4. HB provides Initial Resolution (inducement resolution) to Issuer.	City Clerk includes Initial Resolution in Common Council packets and on agenda.	November 14, 2017
5. City Clerk provides Notice of Meeting to consider Initial Resolution. Must include job information. See Procedure Letter for required language.	City Clerk provides notice of meeting, including required job language to comply with Wisconsin open meetings law.	Notice of meeting provided by City for November 21 meeting
6. Common Council considers Initial Resolution.	Common Council considers Initial Resolution.	November 21, 2017
7. HB publishes Notice to Electors.	City Clerk calls Kate L. Albrecht at HB (262-956-6244) to confirm adoption of Initial Resolution.	November 22, 2017
8. HB provides a copy of Initial Resolution and publication date of Notice to Electors to WEDC.	City Clerk mails copy of signed Initial Resolution to Kate L. Albrecht.	November 22, 2017
9. HB provides Issuer with Final Resolution and other documents.	City Clerk includes Final Resolution in Common Council packets and on agenda. Issuer reviews documents.	TBD
10. City Clerk provides Notice of Meeting to consider Final Resolution. A Final Resolution (date to be determined) will be considered after publication of Notice to Electors (#7 above); bonds cannot be issued sooner than 30 days after publication of Notice to Electors.	City Clerk provides notice of meeting to comply with Wisconsin open meetings law.	TBD
11. HB publishes TEFRA Notice at least 14 days prior to meeting date.	City Clerk includes Notice of Public Hearing on Common Council agenda.	TBD
12. Issuer holds TEFRA public hearing and considers Final Resolution.	Common Council holds TEFRA public hearing, considers Final Resolution, and signs and returns all bond documents provided by HB to Kate L. Albrecht.	TBD
13. Closing (Issuer does not attend closing; signature pages will be sent to Issuer prior to closing)	N/A - HB will send a closing book to Issuer upon closing.	TBD

Husch Blackwell LLP
Lynda R. Templen, Esq. 262-956-6249

\$7,000,000
City of Oak Creek, Wisconsin
Industrial Development Revenue Bonds, Series 2017
(Moldmakers Leasing & Investments Limited Partnership, L.L.P. Project)

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13. Closing (Issuer does not attend closing; signature pages will be sent to Issuer prior to closing)	N/A - HB will send a closing book to Issuer upon closing.	TBD

Husch Blackwell LLP
Lynda R. Templen, Esq. 262-956-6249

City of Oak Creek Common Council Report

Meeting Date: November 21, 2017

Item No.: 15

Recommendation: That the Common Council approve the 2018 Regular Combined Common Council meeting dates.

Background: At the November 7, 2017 meeting, a tentative 2018 Common Council meeting dates schedule was presented, with a recommendation to vacate the January 3, and July 3, 2018 meetings.

The Common Council was in agreement to vacate both recommended meeting dates, as presented.

Attached is the 2018 schedule for approval.

Fiscal Impact: There is no fiscal impact, however the vacation of the above mentioned meetings will require the Common Council to approve a resolution authorizing payment of bills, debts and obligations prior to each meeting

Prepared:



Christa J. Miller, CMC/WCMC
Deputy City Clerk

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Fiscal Reviewed:



Bridget M. Souffrant
Finance Director / Comptroller

2018
SCHEDULE OF REGULAR COMBINED
COMMON COUNCIL MEETINGS

TUESDAY	JANUARY 16	
TUESDAY MONDAY	FEBRUARY 6 FEBRUARY 19	(due to Spring Primary Election, Tuesday, February 20, if required)
TUESDAY TUESDAY	MARCH 6 MARCH 20	
MONDAY TUESDAY	APRIL 2 APRIL 17	(due to Spring General Election, Tuesday, April 3)
TUESDAY TUESDAY	MAY 1 MAY 15	
TUESDAY TUESDAY	JUNE 5 JUNE 19	
TUESDAY	JULY 17	
MONDAY TUESDAY	AUGUST 6 AUGUST 21	(due to National Night Out, Tuesday, August 7)
TUESDAY TUESDAY	SEPTEMBER 4 SEPTEMBER 18	
TUESDAY TUESDAY	OCTOBER 2 OCTOBER 16	
MONDAY MONDAY TUESDAY	NOVEMBER 5 NOVEMBER 19 NOVEMBER 20	(due to General Election, Tuesday, November 6) Budget Hearing (tentative)
TUESDAY TUESDAY	DECEMBER 4 DECEMBER 18	

2
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8

January						
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28	29	30	31			

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29	30	31				

August						
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September						
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30						

October						
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28	29	30	31			

November						
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25	26	27	28	29	30	

December						
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Common Council Dates – Circled

Tentative Budget Hearing Date – ORANGE

Election Dates – GREEN

National Night Out - YELLOW

Holiday - PINK

City of Oak Creek Common Council Report

Meeting Date: November 21, 2017

Item No.: 17

Recommendation: That the Common Council approves payment of the obligations as listed on the November 15, 2017 Invoice GL Distribution Report.

Background: Of note are the following payments:


1. \$10,369.25 to 9th Avenue Auto Body (pg #7) for Police squad cars, #2 & #7, repairs.
2. \$92,638.32 to Advanced Disposal (pg #1) for October recycling and trash pickup.
3. \$15,709.00 to Arlington Computer Products (pg #1) for projector lamp and Library computer replacements.
4. \$63,740.60 to Benistar (pg #2) for December Medicare supplement insurance.
5. \$9,949.00 to Buelow Vetter (pg #2) for legal services.
6. \$48,782.87 to CORE BTS, Inc. (pg #3) for annual license fees and computer maintenance contracts.
7. \$84,142.05 to JPM (pgs #12-19) 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.
8. \$47,900.00 to SBBM Property LLC (pg #8) for developer agreement (Competitive Edge).
9. \$8,624.23 to WE Energies (pg #11) for street lighting, electricity & natural gas.
10. \$8,805.92 to WI Court Fines & Surcharges (pg #11) for October court fines.
11. \$17,214.44 to World Fuel (pg #12) for fuel inventory.

Fiscal Impact: Total claims paid of \$476,419.04

Prepared by/Fiscal Review by:


Bridget M. Souffrant
Finance Director/Comptroller

Respectfully submitted,


Andrew J. Vickers, M.P.A.
City Administrator

City of Oak Creek Common Council Report

Meeting Date: November 21, 2017

Item No.: 18

Recommendation: That the Council adopts Resolution No. 11887-112117, a resolution approving an Affidavit of Correction for Certified Survey Map No. 7884 for the properties at 9900 and 9941 S. Ridgeview Dr.

Background: The Applicant is requesting approval of an Affidavit of Correction affecting the properties at 9900 & 9941 S. Ridgeview Dr. Both properties were part of CSM 7884, which referred to Outlot 1 and the vacation of a portion of Ridgeview Drive. As described in the summary (included with this report), the CSM did not contain an Outlot 1 and the referenced vacation never occurred. There is no plan to pursue the vacation at this time. The Applicant is proposing to have both references removed via the Correction instrument. No other changes are proposed.

The Oak Creek Water and Sewer Utility requires unused water and sewer laterals for 9900 & 9941 S. Ridgeview Dr. be abandoned at the main. No other comments have been submitted.

The Plan Commission reviewed this CSM at their meeting on November 14, 2017, and recommended approval with the following conditions:

1. That all unused laterals are abandoned at the main in conformance with Oak Creek Water and Sewer Utility requirements.
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.

No development or redevelopment of the properties is proposed in the immediate future. The Applicant is requesting that Condition #1 be removed with the understanding that the requirement to abandon unused laterals would occur concurrently with future development/redevelopment plans.

Fiscal Impact: None. Both properties are currently developed and there are no immediate plans for any further development or redevelopment.

Prepared by:



Kari Papelbon, CFM, AICP
Planner

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved by:



Doug Seymour, AICP
Director of Community Development

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

RESOLUTION NO. 11887-112117

BY: _____

RESOLUTION APPROVING AN AFFIDAVIT OF CORRECTION FOR
CERTIFIED SURVEY MAP NUMBER 7884

9900 and 9941 S. Ridgeview Dr.
(6th Aldermanic District)

WHEREAS, Certified survey map 7884, being a redivision of all of Lots 9 and 10 in Block 5 in Southbranch Industrial Park, that portion of vacated Ridgeview Drive and lands in the Southwest ¼ of the Northeast ¼ and the Northwest ¼ of the Southeast ¼ of Section 30, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, State of Wisconsin has been recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin on the 22nd day of February 2007 as Document No. 09389813; and

WHEREAS an Affidavit of Correction to the certified survey map has been submitted pursuant to the provisions of Section 236.295, Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Oak Creek that said Affidavit of Correction, a copy of which is hereto attached and incorporated herein by reference, be and the same is hereby approved and permitted to be recorded.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 21st day of November 2017.

Passed and adopted this 21st day of November 2017.

President, Common Council

Approved this _____ day of _____, 2017.

Mayor

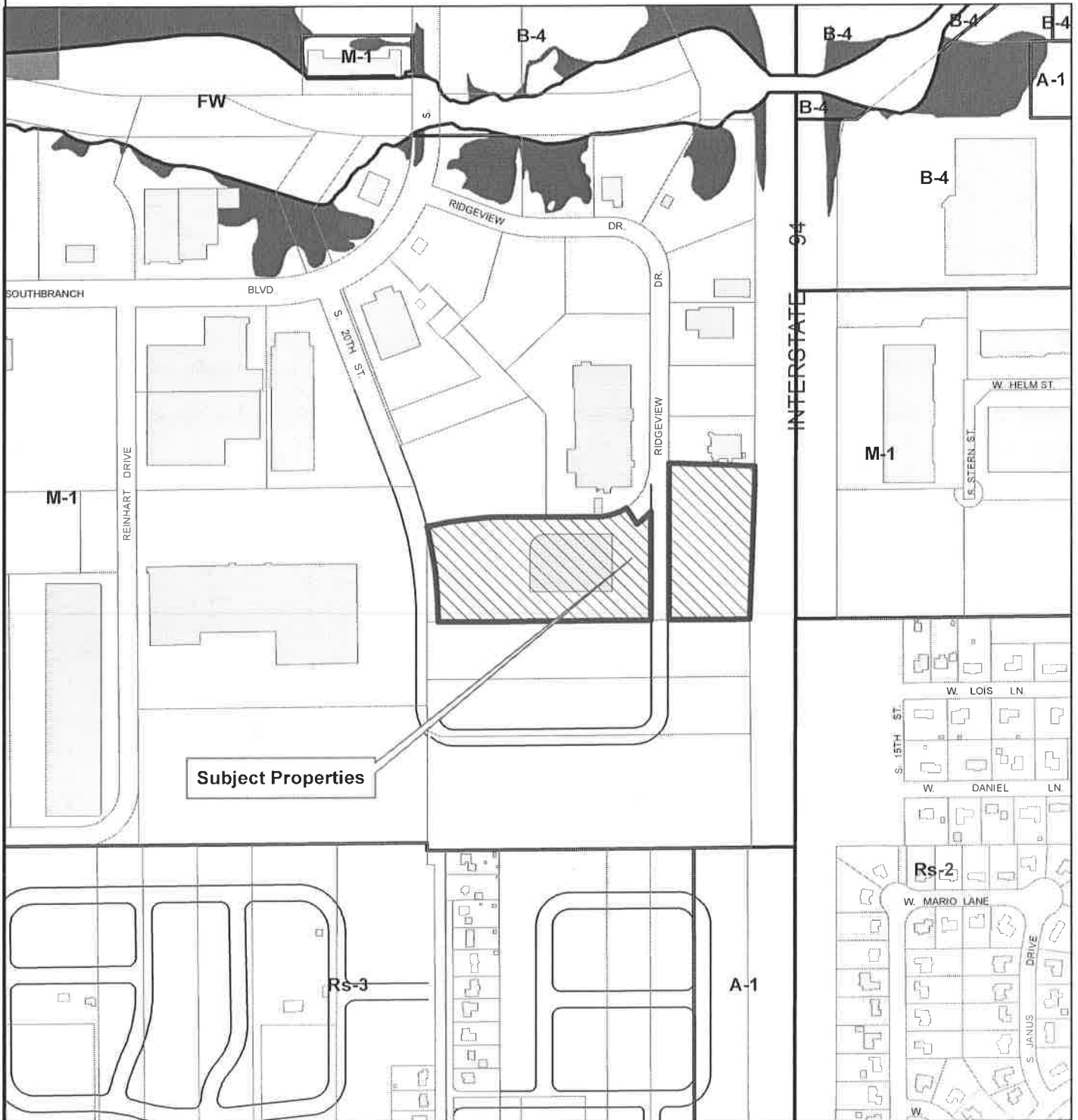
ATTEST:

City Clerk

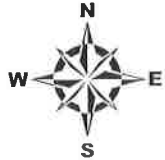
VOTE: Ayes _____ Noes _____

Location Map

9941 & 9900 S. Ridgeview Dr.



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



Legend		Zoning Overlays	
	9900 S. Ridgeview Dr.		9941 S. Ridgeview Dr.
			C-1 Shoreland Wetland
			FF Flood Fringe
			Lakefront Overlay
			ND Mixed Use Neighborhood
			OO Mixed Use Office
			RR Regional Retail

S U M M A R Y

On September 29, 2017, The Walter J. Yakich Family Trust sold a portion of the Property to Seville Flexpack Corporation (“**Buyer**”). In connection with the conveyance, First American Title Insurance Company (“**Title**”) had agreed to provide to Buyer insurance over items in the title commitment and issue an Owner’s policy of title insurance to Buyer based on SBR Law Group LLC’s execution and the subsequent recording of an Affidavit of Correction (“**Affidavit**”) to remove language referring to the vacation of Ridgeview Drive and Outlot 1 and to specify that the ingress/egress easement only benefits the property to the north known as Lot 6, Block 6, in Southbranch Industrial Park as shown on the face of Certified Survey Map No. 7884 recorded February 22, 2007 as Document No. 9389813 (“**CSM**”) in order to subsequently remove exceptions 8 and 10 and remove the reference to Outlot 1 in exception 12 of the title commitment (“**Exceptions**”). We want to record the Affidavit based upon the following errors in the current CSM:

1. Both the title company and surveyor searched for a filed resolution for vacation of Ridgeview Drive and couldn’t find anything of record. We subsequently followed up with Doug Seymour at the City of Oak Creek (Director of Community Development) who could not find any documentation to support a resolution for any part of Ridgeview Drive shown on Exhibit A attached.
2. Both the title company and surveyor could not determine who the ingress/egress easement shown on Exhibit A was meant to benefit. Additionally, they do not find an “Outlot 1” on the recorded CSM in which the note refers to (see Exhibit A). We reached out to Doug Seymour at the City of Oak Creek (Director of Community Development) who informed us there was nothing of record that spoke of the easement benefitting the public or a particular party. He also did not see an Outlot 1 on the CSM.

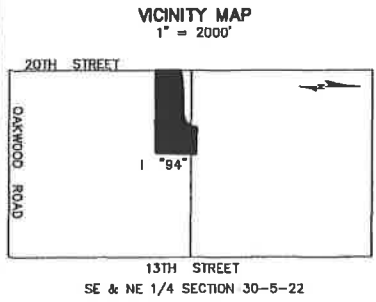
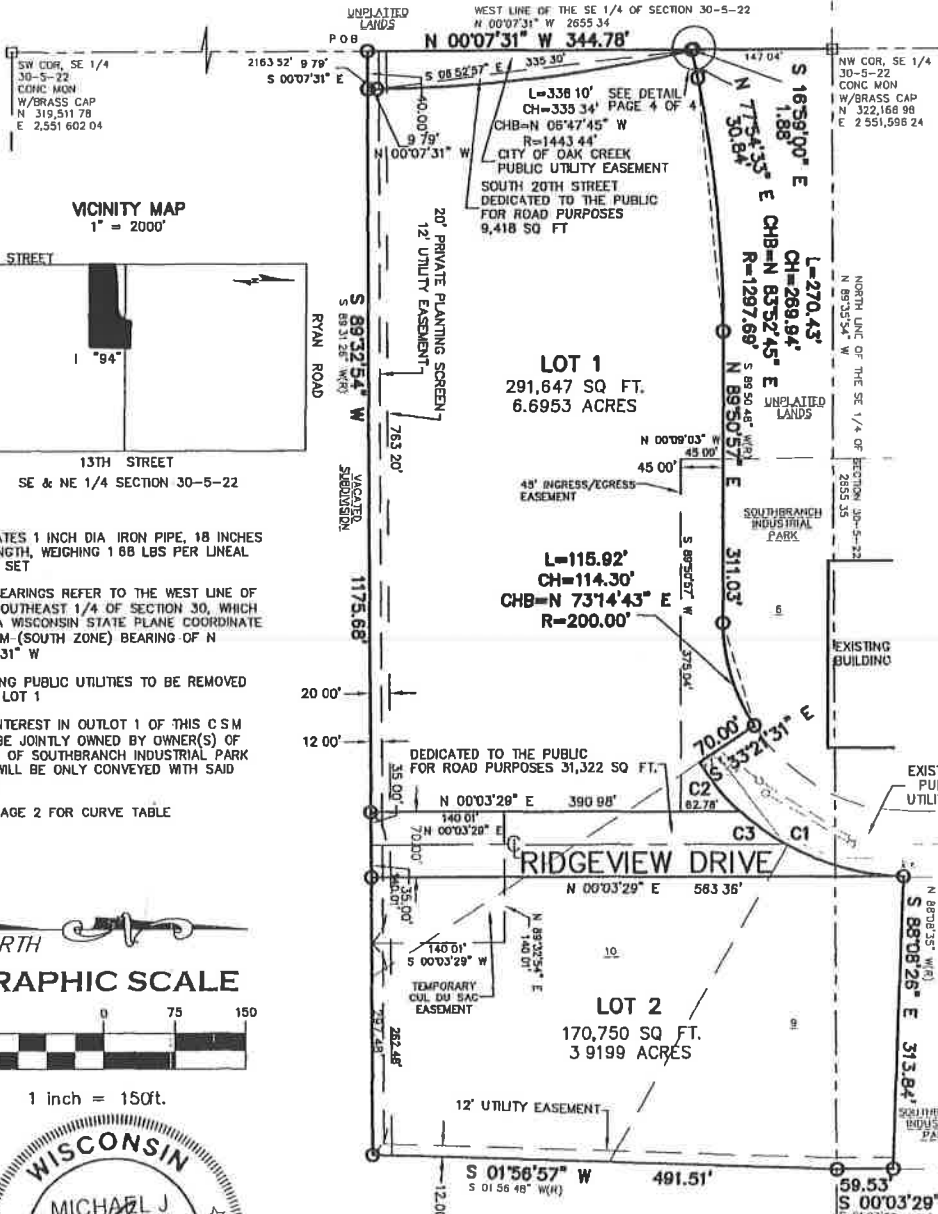
The Affidavit of Correction will remove the errors on the face of the current CSM and will allow the Buyer the appropriate insurance over the items shown in the title commitment referred to above.

4

Exhibit A

CERTIFIED SURVEY MAP NO. 7884

A REDIVISION OF LOTS 9 AND 10 IN BLOCK 5 IN SOUTHBRANCH INDUSTRIAL PARK, THAT PORTION OF VACATED RIDGEVIEW DRIVE AND LANDS IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.



○ INDICATES 1 INCH DIA IRON PIPE, 18 INCHES IN LENGTH, WEIGHING 168 LBS PER LINEAL FOOT, SET

ALL BEARINGS REFER TO THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 30, WHICH HAS A WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE) BEARING OF N 00°07'31" W

EXISTING PUBLIC UTILITIES TO BE REMOVED FROM LOT 1

ALL INTEREST IN OUTLOT 1 OF THIS CSM WILL BE JOINTLY OWNED BY OWNER(S) OF LOT 6 OF SOUTHBRANCH INDUSTRIAL PARK AND WILL BE ONLY CONVEYED WITH SAID LOT 6

SEE PAGE 2 FOR CURVE TABLE



FEE INTERSTATE "94"
77.25 (3r)
EXEMPT

PREPARED FOR:
WALTER J. YAKICH REVOCABLE TRUST
1640 E. ELM ROAD
OAK CREEK, WI 53154

CSE
CAPITOL SURVEY & ENGINEERING
11430 W BLUEGROUND ROAD SUITE 11
WAUWATOSA, WISCONSIN 53228
PH (414) 302-4500
FAX (414) 302-5905
WWW.CAPITOLSURVEY.COM

REVISED 11/07/06
REVISED 1/10/07
REVISED 1/18/07
REVISED 2/7/07

CERTIFIED SURVEY MAP NO. 7884

A REDIVISION OF LOTS 9 AND 10 IN BLOCK 5 IN SOUTHBRANCH INDUSTRIAL PARK, THAT PORTION OF VACATED RIDGEVIEW DRIVE AND LANDS IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

I, MICHAEL J BERRY, A REGISTERED LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED, MAPPED AND DEDICATED A REDIVISION OF LOTS 9 AND 10 IN BLOCK 5 IN SOUTHBRANCH INDUSTRIAL PARK, THAT PORTION OF VACATED RIDGEVIEW DRIVE AND LANDS IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4; THENCE N 00°07'31" W ALONG THE WEST LINE OF SAID 1/4 SECTION 2163.52 FEET TO THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED, THENCE CONTINUING N 00°07'31" W 344.78 FEET; THENCE S 16°59'00" E 1.88 FEET, THENCE N 77°54'33" E 30.84, THENCE EASTERLY 270.43 FEET ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE SOUTH, WHOSE RADIUS IS 1297.69 FEET AND WHOSE CHORD BEARS N 83°52'45" E 269.94 FEET THENCE N 89°50'57" E AND ALONG THE SOUTH LINE OF SOUTHBRANCH INDUSTRIAL PARK 311.03' TO THE SOUTHERLY END OF RIDGEVIEW DRIVE, THENCE S 33°21'31" E 70.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID DRIVE, THENCE NORTHEASTERLY 258.15 FEET ALONG SAID DRIVE AND THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTHWEST, WHOSE RADIUS IS 270.00 FEET AND WHOSE CHORD BEARS N 29°15'04" E 248.43 FEET, THENCE S 88°08'26" E ALONG THE SOUTH LINE OF LOT 8 OF SAID INDUSTRIAL PARK 313.84 FEET, THENCE S 00°03'29" W 59.53 FEET, THENCE S 01°56'57" W 491.51 FEET, THENCE S 89°32'54" W ALONG THE SOUTH LINE OF SAID INDUSTRIAL PARK AND ITS EXTENSION 1175.68 FEET TO THE POINT OF BEGINNING.

LANDS CONTAINING 503,138 SQUARE FEET OR 11.5505 ACRES

THAT I HAVE MADE SUCH SURVEY, LAND DIVISION AND MAP BY THE DIRECTION OF WALTER J YAKICH REVOCABLE TRUST, OWNER OF SAID LAND.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION THEREOF MADE

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE STATUTES OF THE STATE OF WISCONSIN AND CHAPTER 14 OF THE CITY OF OAK CREEK MUNICIPAL CODE IN SURVEYING, DIVIDING, AND MAPPING THE SAME.

DATED THIS 30TH DAY OF OCTOBER, 2006.




MICHAEL J BERRY
REGISTERED LAND SURVEYOR, S-2545
STATE OF WISCONSIN

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	258.15'	270.00'	248.43'	N29°15'04"E
C2	67.61'	270.00'	67.43'	N49°28'05"E
C3	190.54'	270.00'	186.61'	N22°04'39"E

REVISED 11/07/06
REVISED 1/10/07
REVISED 1/18/07
REVISED 2/7/07

CERTIFIED SURVEY MAP NO. 7884

A REDIVISION OF LOTS 9 AND 10 IN BLOCK 5 IN SOUTHBRANCH INDUSTRIAL PARK, THAT PORTION OF VACATED RIDGEVIEW DRIVE AND LANDS IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

CORPORATE OWNER'S CERTIFICATE

WALTER J YAKICH REVOCABLE TRUST, DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, CERTIFY THAT SAID COMPANY CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, MAPPED AND DEDICATED AS REPRESENTED ON THIS MAP IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCES OF THE CITY OF OAK CREEK.

WITNESS THE HAND AND SEAL OF WALTER J YAKICH, PRESIDENT, ON THIS 9 DAY FEBRUARY 2007

DOC.# 09389813

REGISTER'S OFFICE | SS
Milwaukee County, WI

RECORDED 02/22/2007 08:26AM

JOHN LA FAVE
REGISTER OF DEEDS

AMOUNT 17 00

Walter J Yakich
WALTER J. YAKICH

REEL → 6544
STATE OF WISCONSIN
COUNTY) SS

ON THIS 9 DAY OF February, 2007 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SUCH COUNTY AND STATE, PERSONALLY APPEARED WALTER J. YAKICH, KNOWN OR IDENTIFIED TO ME TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SUCH INSTRUMENT IS A FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT THEY ARE AUTHORIZED TO EXECUTE SUCH INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL HERETO, AFFIXED THE DAY, MONTH AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN

DATED THIS 9 DAY OF February, 2007

Man Sudwagal
NOTARY PUBLIC
STATE OF WISCONSIN
MY COMMISSION EXPIRES 12-30-2007



REVISED 11/07/06
REVISED 1/10/07
REVISED 1/18/07
REVISED 2/7/07

CERTIFIED SURVEY MAP NO. 7884

A REDIVISION OF LOTS 9 AND 10 IN BLOCK 5 IN SOUTHBRANCH INDUSTRIAL PARK, THAT PORTION OF VACATED RIDGEVIEW DRIVE AND LANDS IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

PLANNING COMMISSION APPROVAL

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF OAK CREEK ON THIS 14 DAY OF November, 2006

Richard R. Bolender
 RICHARD R BOLENDER, CHAIRMAN
 CITY OF OAK CREEK

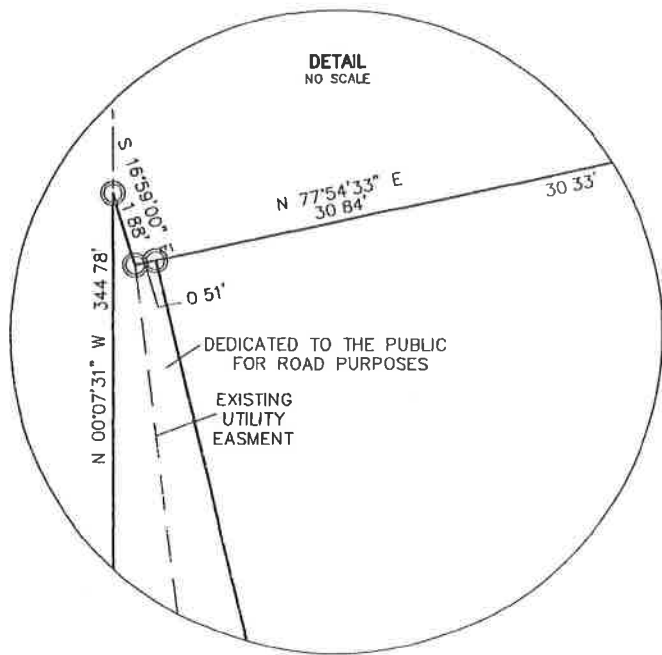
Douglas Seymour
 DOUGLAS SEYMOUR, SECRETARY
 CITY OF OAK CREEK

COMMON COUNCIL APPROVAL

THIS CERTIFIED SURVEY MAP, AND THE DEDICATION OF RIDGEVIEW DRIVE AND SOUTH 20TH STREET, BEING A REDIVISION OF LOTS 9 AND 10 IN BLOCK 5 IN SOUTHBRANCH INDUSTRIAL PARK, THAT PORTION OF VACATED RIDGEVIEW DRIVE AND LANDS IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN, HAVING BEEN APPROVED BY THE PLANNING COMMISSION BEING THE SAME, IS HEREBY APPROVED AND ACCEPTED BY THE COMMON COUNCIL OF THE CITY OF OAK CREEK ON THIS 10 DAY OF February, 2007 per resolution No. 10733-020607

Richard R. Bolender
 RICHARD R BOLENDER, MAYOR
 CITY OF OAK CREEK

Beverly A. Buretta
 BEVERLY A BURETTA, CITY CLERK
 CITY OF OAK CREEK



REVISED 11/07/06
 REVISED 1/10/07
 REVISED 1/18/07
 REVISED 2/7/07

**AFFIDAVIT OF
CORRECTION**

Document No.

Return to:

SBR Law Group LLC
Attn: Susan C. Sorrentino
675 N. Barker Road, Suite 300
Brookfield, WI 53045

926-9028-000 and 926-9029-000
Tax Parcel Number

This instrument was drafted by:

SBR Law Group LLC
Attn: Susan C. Sorrentino
675 N. Barker Road, Suite 300
Brookfield, WI 53045

3. The South line of Lot 1, depicted as 763.20' computes and is hereby changed to 768.20'.
4. The 45' ingress/egress easement shown on Lot 1 of the CSM will be revised to read as follows: "45' ingress/egress easement for the benefit of the owner and its successors or assigns of Lot 6, Block 6, Southbranch Industrial Park".
5. In the Surveyors Certificate, the 8th line of the metes and bounds description written as: "INDUSTRIAL PARK 311.03' TO THE SOUTHERLY END OF RIDGEVIEW DRIVE, THENCE S", is corrected to: "INDUSTRIAL PARK 311.03'; THENCE NORTHEASTERLY 115.92' ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTHWEST, WHOSE RADIUS IS 200.00' AND WHOSE CHORD BEARS N 73°14'43" E 114.30' TO THE SOUTHERLY END OF RIDGEVIEW DRIVE; THENCE S"

This affidavit has been made for the protection and benefit of the current owner, Seville Flexpack Corporation and its successors or assigns, and for the protection and benefit of any party who may acquire an interest in Parcel 1 or Parcel 2 of the CSM, and shall be binding upon the respective heirs, executors, administrators and assigns of Seville Flexpack Corporation.

IN WITNESS WHEREOF, this Affidavit has been duly executed on behalf of SBR by its duly authorized representative.

SBR LAW GROUP LLC

By: _____
 Susan C. Sorrentino
 Its: Member

State of Wisconsin)
) SS
 County of Waukesha)

This affidavit was acknowledged before me on _____, 2017, by Susan C. Sorrentino as the member of SBR Law Group LLC, know to me to be the person who executed the foregoing.

 Notary Public
 My Commission expires: _____.

City of Oak Creek Common Council Report

Meeting Date: November 21, 2017

Item No.: 9

Recommendation: That the Common Council adopts Resolution No. 11885-112117, approving the East Brooke Preserve development agreement for the design and installation of public improvements at 1200 E Ryan Road and 9349 S Nicholson Road (Tax Key Nos. 873-9006-006 & 873-9998-002) (Project Nos. 17064 and 17065) (3rd Aldermanic District).

Background: This development agreement is for the installation of public infrastructure to serve the East Brooke Preserve subdivision. The Orchards of Mukwonago, LLC, 11600 W. Lincoln Avenue, West Allis, WI 53227, will be the Developer for this project. This is a joint project with Kaerek Builders and Korndoerfer Homes. The developer has worked with the Utility and Engineering Departments for the required improvements. This agreement will provide the City with the authority to direct and control the design and construction of the required public improvement to ensure they meet City codes and specifications.

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

Prepared by:



Brian L. Johnston, P.E.
Assistant City Engineer

Respectfully submitted:



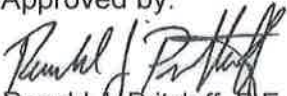
Andrew J. Vickers, M.P.A.
City Administrator

Approved by:



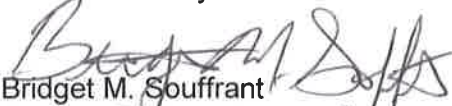
Michael C. Simmons, P.E.
City Engineer

Approved by:



Ronald J. Pritzlaff, P.E.
Utility Engineer

Fiscal review by:



Bridget M. Souffrant
Finance Director/Comptroller

RESOLUTION NO. 11885-112117

BY: _____

**RESOLUTION APPROVING THE
EAST BROOKE PRESERVE
DEVELOPMENT AGREEMENT**

TAX KEY NOS. 873-9006-006 & 873-9998-002

(3RD 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 The Orchards of Mukwonago, 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.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 21st day of November, 2017.

President, Common Council

Approved this 21st day of November, 2017.

Mayor

ATTEST:

City Clerk

VOTE: Ayes: _____ Noes: _____

11885-112117

Document Number

EAST BROOKE PRESERVE
DEVELOPMENT AGREEMENT
Document Title

Recording Area

Douglas W. Seymour, Director
Dept. of Community Development
8040 S 6th Street
Oak Creek, WI 53154

Name and Return Address

873-9006-006 & 873-9998-002

Parcel Identification Number (PIN)

THIS AGREEMENT, made and entered into this 16th day of November, 2017, by and between The Orchards of Mukwonago, LLC, 11600 W. Lincoln Avenue, West Allis, WI 53227, hereinafter referred to as the "Developer", and the City of Oak Creek, hereinafter referred to as the "City";

WITNESSETH:

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

Being part of Parcel 2 of Certified Survey Map No. 6912, recorded in the Register of Deeds office for Milwaukee County on January 5, 2001 as Document No. 8007497 and additional lands, all being a part of the Northeast 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 21, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, bounded and described as follows:

Beginning at the southeast corner of the Southeast 1/4 of said Section 21; thence South 89°27'03" West along the south line of said Southeast 1/4, 665.28 feet; thence North

00°31'41" East, 30.01 feet to the south line of Parcel 2 of said Certified Survey Map No. 6912 and the north right of way line of East Ryan Road; thence South 89°27'03" West along said north right of way line, 662.10 feet to a west line of said Parcel 2; thence North 00°47'00" East along said west line, 703.53 feet to the south line of Certified Survey Map No. 8047; thence South 66°22'00" East along said south line, 42.66 feet to the east line of said Certified Survey Map No. 8047; thence North 23°00'00" East along said east line, 424.75 feet; thence North 05°00'00" West along said east line, 214.41 feet; thence North 30°47'13" West along said east line, 363.45 feet; thence North 00°28'13" East along said east line and then continuing along the west line of the East 1/2 of said Southeast 1/4, 1017.24 feet to the north line of the Southeast 1/4 of said Section 21; thence North 89°28'08" East along said north line, 640.03 feet; thence South 63°15'20" East, 719.70 feet; thence South 89°24'51" East, 49.75 feet to the east line of the Southeast 1/4 of said Section 21; thence South 00°35'09" West along said east line, 222.43 feet; thence North 89°24'51" West and then along a north line of Certified Survey Map No. 7529, 245.00 feet to a west line of said Map No. 7529; thence South 00°35'09" W along said west line, 100.00 feet to a north line of said Map No. 7529; thence North 89°24'51" West along said north line, 257.50 feet to a west line of said Map No. 7529; thence South 00°35'09" West along said west line, 216.72 feet to the south line of said Map No. 7529; thence South 89°24'51" East along said south line, 167.50 feet; thence South 00°35'09" West, 640.00 feet; thence South 89°24'51" East, 335.00 feet to the aforesaid east line of the Southeast 1/4; thence South 00°35'09" West along said east line, 370.18 feet; thence North 89°24'51" West, 456.00 feet; thence South 00°35'09" West and then along the west line of Certified Survey Map No. 8505, 620.00 feet to the south line of said Certified Survey Map No. 8505; thence South 89°24'51" East along said south line, 456.00 feet to the aforesaid east line of the Southeast 1/4; thence South 00°35'09" West along said east line, 150.00 feet to the Point of Beginning. Said lands containing 2,634,467 square feet (60.4790 Acres) Gross.

WHEREAS, the Developer has submitted a preliminary subdivision plat, titled East Brooke Preserve, Tax Key Nos. 873-9006-006 and 873-9998-002 located at 1200 E Ryan Road and 9349 S Nicholson 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 creating a 68-lot subdivision, and nine (9) outlots (with the intent of converting three (3) of the outlots to five (5) additional lots, and

WHEREAS, the proposed preliminary plat 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 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, 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 believes that the orderly, planned development of the said lands will best promote the health, safety and general welfare of the community, and hence is willing to approve the proposed subdivision 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 proposed plat is served and will benefit by existing sanitary sewer and water main.
2. Deferred Special Assessments – There are no outstanding special assessment payments required for this Agreement. Developer shall also sign the Waiver of Special Assessment Notice and Hearing attached at Exhibit B.
3. Bike Path and Impact Fees - A bike path acquisition fee of \$50.00 per parcel or dwelling unit, as applicable, is required of all residential developments. The impact fees established for the City under Ordinance 2562 shall also apply to this development. The Developer agrees to pay the \$50.00 bike path fee and the appropriate impact fees, per dwelling unit, created by this development, at the time a building permit is issued.
4. Conditions and Time Period to Install Improvements - The Developer, entirely at its expense from the notice to proceed, shall complete the public improvements as described 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 improvements to the City.
 - B. In the event the Developer fails to complete the installation of improvements (the "Work"), the City shall have the authority to complete the Work and take title of the improvements. The Developer shall not be deemed to have failed to complete the Work unless (1) after Developer commences the Work, Developer discontinues to Work for a period in excess of sixty (60) consecutive days (unless Developer has obtained written approval from the City for such pause in the Work), and 2) Developer fails to recommence the Work within thirty (30) days after receiving written notice from the City that the City intends to complete the Work. In the event the City completes the Work according to this paragraph 4(B), then the City shall, without notice of

hearing, impose a special assessment for the amount of said completion costs, upon each and every building site (or tax key parcel) in the development, 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 required improvements that shall benefit the development.

- 5. Project Phasing – The proposed development will be constructed in two phases as shown in Exhibit D. Before construction of improvements in any phase commences, including building construction, the Developer must receive the City Engineer's written approval, which approval shall not be unreasonably withheld, delayed, or conditioned of all public infrastructure, grading and drainage, erosion control, MMSD approval, and DNR approval as applicable to each phase. Nothing in this Agreement shall preclude the Developer from commencing the development of Phase 2 prior to the completion of Phase 1. Phases are related to the construction of certain improvements as specified below:

PHASE 1

- A. Phase 1 shall consist of 32 lots (Lots 1-25, 62-68 and outlots 1, 2, 7, and 9) as shown in Exhibit D.
- B. All public infrastructure shall be installed and approved by the City Engineer, which approval shall not be unreasonably withheld, delayed, or conditioned, prior to the approval of the Final Plat.

PHASE 2

- A. Phase 2 shall consist of 36 lots (Lots 26-61 and Outlots 1, 3, 4, 5, 6 and 8) as shown in Exhibit D.
- B. All public infrastructure shall be installed and approved by the City Engineer, which approval shall not be unreasonably withheld, delayed, or conditioned, prior to the approval of the Final Plat.

- 6. 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 for the applicable phase, 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, the State of Wisconsin Department of Natural Resources, 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 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.

7. Final Plat Approval –

- A. Upon final certification by the City Engineer, which certification shall not be unreasonably withheld, delayed, or conditioned, that all of the required public improvements and requirements as outlined in this Agreement are constructed, inspected and found to be in compliance with City requirements and (1) proof is filed with the City Engineer that a Homeowner's Association has been created and/or said Association is on file with the Register of Deeds office; (2) proof of the public infrastructure costs associated with streets, sewers, water main, lights, trees, etc., have been filed with the City Finance Director and (3) lien waivers shall be filed with the City Engineer as proof that all subcontractors have been paid the final plat approval shall be presented to the Plan Commission and Common Council. If the Developer completes the development in phases as permitted by Paragraph 5, final plat approval for each phase will be granted by the Plan Commission and Common Council upon certification by the City Engineer that all requirements pertinent to that phase have been satisfied.
- B. The Plan Commission has granted conditional preliminary approval of the plat of the development which is attached hereto as Exhibit D (the "Preliminary Plat"). The Preliminary Plat includes Lots 1-68 and Outlots 1-9. The Developer and City agree that it is the intent of Outlots 7-9 of the Preliminary Plat will be converted to Lots 69-73 as identified on the attached Exhibit E (the "Revised Plat"). Outlots 7-9 are currently within a flood plain and as such are not currently suitable to be lots. The Developer will prepare a grading plan which will include filling the flood plain on Outlots 7-9. The grading plan will be submitted to the City for approval. Upon City approval, the grading plan will be submitted to FEMA for a Conditional Letter of Map Revision ("CLOMR"). Upon receiving a CLOMR, the Developer will fill the Outlots per the approved grading plan and the Outlots will then be surveyed to prepare an as-built plan showing the Outlots were filled per the approved plan. The Developer will then submit to FEMA for a Letter of Map Revision Based on Fill ("LOMR-F") which will officially remove the land within the Outlots from the flood plain. Upon receiving the LOMR-F, the Developer will redivide Outlots 7-9 by a final plat or Certified Survey Map to create Lots

69-73 and the Plan Commission and Common Council approval of the final plat or Certified Survey Map subject to provisions of Paragraph 7(A).

C. The Plan Commission's and Common Council's approval of the final plat shall constitute the Developer's dedication of the public improvements to the City and the City's acceptance of the dedication of the public improvements.

8. Reimbursement of Costs - The Developer shall 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 development's improvements covered by this Agreement. In addition, the Developer shall provide copies of lien waivers from all contractors, material suppliers, or consultants who performed work or supplied materials.

9. Workmanship Guarantee - Developer shall guarantee the improvements described in Exhibit A, against defects due to faulty materials or workmanship, for a period of one (1) year from the date of final plat approval of the applicable phase. Pursuant to Paragraph 11(B), the Developer shall establish a security deposit in an amount not less than 10% of the estimated construction costs of the sanitary sewer and water improvements for the applicable phase, to cover the guarantee period for each of the public improvements of such phase. The maintenance obligations regarding the streets shall begin upon completion of the asphalt binder course installation for the applicable phase and terminate upon approval of the final plat for the applicable phase. Responsibility for the streets and lights will be assigned as follows:

A. Pavement maintenance, including any repairs and street sweeping, shall be the Developer's responsibility until approval of the final plat. Snow plowing and maintenance will be the City's responsibility after approval of the final plat.

B. Street lighting maintenance, including any repairs or knock downs, shall be the Developer's responsibility until approval of the final plat, and thereafter shall be the City's responsibility.

C. If street repairs, plowing, street sweeping and/or street lighting are not satisfactorily performed by the Developer; the City shall perform such with its own forces and charge the Developer accordingly for actual manpower, equipment and materials, plus 25% administration and overhead. Developer's responsibility with respect to the streets and street lighting shall terminate upon approval of the final plat.

10. Hold Harmless - The Developer 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 or maintenance of improvements by the Developer pursuant to the terms of this Agreement for one (1) year following approval of the final plat, the violation of any law or ordinance, the infringement of any patent, trademark, tradename or copyright, and the use of road improvements prior to their formal dedication to the City as provided in Paragraph 4(A) thereof.

11. Financial Guarantees

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 a sum of money with the City in the amount set forth in Paragraph 9 as a Security Deposit (hereinafter referred to as "Collateral"), to secure the prompt, full and faithful performance by 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 following specific obligations of the Developer to the City.

- 1) Maintenance of public improvements as described in Paragraph 9.
- 2) Street Trees funded at \$250 per tree spaced every 50 feet along each side of the proposed public street.
- 3) Payment of \$5,000 for anticipated in-house administrative and inspection fees.
- 4) Landscaping and erosion control improvement costs.

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 each tax key parcel in the development, payable with the next succeeding tax roll.

12. Inspection - The City, or its agents, shall provide full-time inspection of all improvements enumerated in Exhibit A, at the Developer's cost.
13. Deed Restrictions - The Developer shall prepare and submit for review and approval, which approval shall not be unreasonably withheld, delayed, or conditioned, a draft of deed restrictions governing the proposed parcels. The City-approved deed restrictions shall be recorded separately with the Register of Deeds for Milwaukee County, Wisconsin, along with the final plat. Said restrictions shall incorporate, but not be limited to those set forth in Exhibit C of this Agreement.
14. Easements - The Developer shall acquire and dedicate to the City all public easements and right-of-way necessary to install and maintain public improvements

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, at his expense. The Developer shall provide just compensation for the easements in accordance with the City's easement acquisition policy.

15. Changes to Plans and Specifications - The City Engineer may make reasonable changes to the approved plans and specifications for any of the improvements 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 his expense without any claim for reimbursement.
16. Right to Cure – Upon any default by Developer of this Agreement, and as a condition precedent prior to the City exercising any of its rights and remedies available pursuant to this Agreement for such default, the City shall give the Developer written notice of the default and the Developer shall then have thirty (30) days to cure such default. Developer shall not be in default of this Agreement if the nature of the default requires more than thirty (30) days to cure and the Developer commences efforts to cure the default within said thirty-day cure period and diligently pursues such efforts to complete such cure. If after the thirty-day cure period the Developer is still in default of the Agreement, the City shall be entitled to exercise any and all of its rights and remedies as set forth in this Agreement.
17. Miscellaneous
 - A. All construction required by this Agreement shall be carried out and performed in a sequence directed 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 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 and final plat in the latest Adobe pdf electronic format and AutoCAD.
- I. The Developer shall provide documentation, before final plat approval, that a Homeowner's Association has been established.
- J. The Developer agrees to allow the City to issue utility construction permits within the proposed City right of way prior to the right of way dedication at final plat approval.
- K. No building permit(s) shall be issued until a final plat is approved.

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:

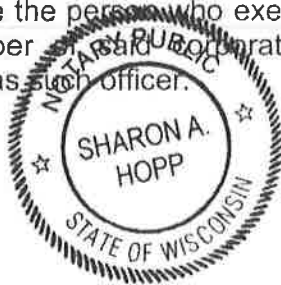
The Orchards of Mukwonago, LLC (TF)

By: Michael J. Kaerek
Michael J. Kaerek, Member

By: Wolf Korndoerfer
Wolf Korndoerfer, Member

STATE OF WISCONSIN)
(SS.
MILWAUKEE COUNTY)

Personally came before me this 16th day of November, 2017, the above-named Michael J. Kaerek, Member of The Orchards of Mukwonago, LLC to me known to be the person who executed the foregoing instrument and to me known to be such Member of said corporation, acknowledged that he executed the foregoing instrument as such officer.



Sharon A Hopp
Notary Public, Milwaukee County, State of Wisconsin
My Commission expires: 4/30/21

STATE OF WISCONSIN)
(SS.
WAUKESHA COUNTY)

Personally came before me this 11th day of November, 2017, the above-named Wolf Korndoerfer, Member of The Orchards of Mukwonago, LLC to me known to be the person who executed the foregoing instrument and to me known to be such Member of said corporation, acknowledged that he executed the foregoing instrument as such officer.



Lynn Maikowski
Notary Public, Waukesha County, State of Wisconsin
My Commission expires: 11/8/2019

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 _____, 2017, 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 _____, 2017.

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
EAST BROOKE PRESERVE

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 future amendments thereof.

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

II. SUBDIVISION GRADING AND DRAINAGE

A. Required Improvements

Design, install, and provide grading of land as necessary to establish lot pads for future buildings, 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 proposed condition, and proposed finished yard grades.
2. System plan showing all tributary areas to the proposed subdivision drainage and downstream analysis. Included on the system plan shall be all proposed and existing drainage structures.
3. House grade plan showing only minimum setback and offset dimensions, proposed house grades and driveway culvert sizes.
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 lot corners and side yard breaks, 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 street areas, lot pads, and drainage swales. All lot pads may be graded 2' below finished proposed yard grade to accommodate basement spoils.
- D. Establish permanent vegetative cover on all exposed soil by topsoiling, seeding, and mulching to prevent erosion.
- E. The Developer, at his 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 such as road construction. 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 3" of topsoil on all exposed soil. No topsoil may be removed from the site without written authorization from the City Engineer.
- H. Established grass seed or sod must be in place in the terrace area, minimum of 6' behind the curb, before the final plat will be issued.

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 showing plan and profile views.
2. Storm sewer calculations.
3. Storm sewer system plan update.

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. Mainline storm sewer must be installed to provide a sump pump and downspout connection to all lots. All sump lines 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**

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, Milwaukee Metropolitan Sewerage District, 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 the Milwaukee Metropolitan Sewerage District, the State of Wisconsin, and Southeastern Wisconsin Regional Planning Commission.
5. Separate sanitary sewer easements for each parcel, where appropriate, shown on the final plat.

- C. Installation of one sanitary sewer lateral from the sanitary sewer main, to property line for each proposed lot.

VI. **WATER**

A. Required Improvements

Design, install, and provide a complete water distribution system 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 to the lot lines, 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 each parcel, where appropriate, recorded on the final plat.
- 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 the property line of each proposed lot.

VII. **STREETS**

A. Required Improvements

A 29-foot, back of curb to back of curb, roadway construction with 31" concrete curb and asphalt pavement. The pavement section shall be comprised of a 10" crushed stone base, pavement edge drains, 31" curb and gutter section, 3 ½ " asphalt binder course (3 LT58-28S) and a 1½" layer of asphalt surface course (5 LT58-28S), 5' sidewalk and street lighting.

B. Plans and Specifications

1. Street plans, including plan and profile view, road cross-section and specifications.
 2. Pavement design calculations.
 3. Proposed established street grade drawing.
- C. Clean-up, repairs, and restoration of all pavement, subgrade, shoulder, or curb and gutter defects shall be performed prior to the placement of the final asphalt surface course.
- D. If directed by the City Engineer, soil borings shall be taken within the roadway at sufficient intervals to determine sub-base composition. If material is determined unsuitable for a stable road base, the material shall be removed and replaced with material approved by the City Engineer.

- E. Asphalt materials to follow Section 460 of the Standard Specifications including WisDOT ASP-6 requiring additional asphalt mix to contain 3% regressed air voids.

VII. STREET LIGHTING

A. Required Improvements

A 480-volt LED street lighting system including poles, fixtures, controller, concrete anchor bases, cable-in-duct, junction boxes and other appurtenances is required.

B. Plans and Specifications

1. Street lighting plans, on the paving plans, showing the anchor base, C-N-D, controller, and junction box locations.
2. Lighting design calculations.

C. The Developer shall be required to maintain/repair the street lighting until the streets are dedicated to the City.

D. The luminaire to be LED as approved by the Engineering Department.

VIII. 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 City streets caused by construction operations.
- C. arrange and pay for procurement and installation of approved traffic and street signs.
- F. submit a landscape plan for screen plantings, berms, and entrances. Installation of landscaping shall be in accordance with approved plan with allowance made for street trees.
- G. Allow for street trees along the proposed roadways in the development. The number of street trees is based on, but not limited to, one tree every fifty feet, on each side of the roadway. The City Forester will select the species, location of

planting, select the individual trees from the nursery and purchase the trees with the security deposit funds. The trees shall be installed by City forces after the lots are developed and the yards are established.

- E. acquire all required underground utility easements.
- F. show all sanitary, drainage, and other public utility easements on the plat. If required easements are omitted, or errors are detected on the plat, the Developer shall make all necessary modifications to the plat at his expense.
- G. Design and install all required sidewalk and/or bikeways.
- I. provide ornamental street lighting plans and installation concurrently with road construction in accordance with City specifications.
- J. provide Class III barricades at all dead-end streets
- K. Provide paved temporary cul-de-sac, as required, for the future extension of the roadway.

IX. **SPECIFICATIONS**

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

- A. City of Oak Creek Engineering Design Manual, most recent edition.
- B. Applicable Specifications and Regulations of the Milwaukee Metropolitan Sewerage District.
- 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.

X. **SPECIAL PROVISIONS**

The development process shall strictly conform to the conditions set forth in the development agreement. Request for final plat approval is subject to the City Engineer's certification that all improvements required to be installed are satisfactorily completed and a Homeowner's Association has been established. The City will not accept deposits in lieu of completion of the improvement prior to final plat approval.

Approved by:

Michael C. Simmons, P.E.
City Engineer

Date

EXHIBIT B

WAIVER OF SPECIAL ASSESSMENT NOTICES AND HEARINGS

City of Oak Creek
8640 South Howell Avenue
Oak Creek, WI 53154

This Waiver of Special Assessment notices and Hearings ("Waiver") shall be effective only in the event that the City of Oak Creek undertakes to complete the installation of the improvements for East Brooke Preserve in accordance with Paragraph 4 of the East Brooke Preserve Development Agreement dated the 16th day of November, 2017.

If the City of Oak Creek completes the installation of the improvements for East Brooke Preserve in accordance with Paragraph 4 of the East Brooke Preserve Development Agreement dated the 16th day of November, 2017, then we, the undersigned being owners of the property that shall benefit by the following proposed public improvements:

sanitary sewer, water main, storm sewer, roads, sidewalk, lights and trees

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 admit that the benefit to our properties from the construction of such improvement.

Description of premises that shall benefit:

Being part of Parcel 2 of Certified Survey Map No. 6912, recorded in the Register of Deeds office for Milwaukee County on January 5, 2001 as Document No. 8007497 and additional lands, all being a part of the Northeast 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 21, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee

County, bounded and described as follows:

Beginning at the southeast corner of the Southeast 1/4 of said Section 21; thence South 89°27'03" West along the south line of said Southeast 1/4, 665.28 feet; thence North 00°31'41" East, 30.01 feet to the south line of Parcel 2 of said Certified Survey Map No. 6912 and the north right of way line of East Ryan Road; thence South 89°27'03" West along said north right of way line, 662.10 feet to a west line of said Parcel 2; thence North 00°47'00" East along said west line, 703.53 feet to the south line of Certified Survey Map No. 8047; thence South 66°22'00" East along said south line, 42.66 feet to the east line of said Certified Survey Map No. 8047; thence North 23°00'00" East along said east line, 424.75 feet; thence North 05°00'00" West along said east line, 214.41 feet; thence North 30°47'13" West along said east line, 363.45 feet; thence North 00°28'13" East along said east line and then continuing along the west line of the East 1/2 of said Southeast 1/4, 1017.24 feet to the north line of the Southeast 1/4 of said Section 21; thence North 89°28'08" East along said north line, 640.03 feet; thence South 63°15'20" East, 719.70 feet; thence South 89°24'51" East, 49.75 feet to the east line of the Southeast 1/4 of said Section 21; thence South 00°35'09" West along said east line, 222.43 feet; thence North 89°24'51" West and then along a north line of Certified Survey Map No. 7529, 245.00 feet to a west line of said Map No. 7529; thence South 00°35'09" W along said west line, 100.00 feet to a north line of said Map No. 7529; thence North 89°24'51" West along said north line, 257.50 feet to a west line of said Map No. 7529; thence South 00°35'09" West along said west line, 216.72 feet to the south line of said Map No. 7529; thence South 89°24'51" East along said south line, 167.50 feet; thence South 00°35'09" West, 640.00 feet; thence South 89°24'51" East, 335.00 feet to the aforesaid east line of the Southeast 1/4; thence South 00°35'09" West along said east line, 370.18 feet; thence North 89°24'51" West, 456.00 feet; thence South 00°35'09" West and then along the west line of Certified Survey Map No. 8505, 620.00 feet to the south line of said Certified Survey Map No. 8505; thence South 89°24'51" East along said south line, 456.00 feet to the aforesaid east line of the Southeast 1/4; thence South 00°35'09" West along said east line, 150.00 feet to the Point of Beginning. Said lands containing 2,634,467 square feet (60.4790 Acres) Gross.

The Orchards of Mukwonago, LLC

By: _____
Michael J. Kaerek, Member

Date

By:  _____
Wolf Korndorfer, Member

11/16/17

Date

EXHIBIT C

EAST BROOKE PRESERVE

DEED RESTRICTIONS

- A. Developer, as used in the context of these deed restrictions shall mean the Developer, his heirs, personal representatives, successors and assigns.
- B. Electric, telephone and cable television services shall be provided by the installation of underground service lines.
- C. A copy of the approved grading plans referred to in Exhibit A of the development agreement shall be on file at the office of the City Engineer.
- D. The installation of any type of improvement on the public street right-of-way (walks, drives, sprinkler systems, etc.) requires the issuance of a permit by the City and/or the State of Wisconsin, as may be applicable.
- E. The Developer shall provide certification from a registered land surveyor or professional engineer that the final grade along all lot lines, in the invert of all drainage swales, lot pads, and at other critical locations as determined by the City Engineer, complies with the approved grading plan. Such certification shall be on a plan copy with the elevations as existing so indicated. 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.

If not in compliance, appropriate regrading shall be performed. Such certification shall be provided to the City Engineer prior to final plat approval. Property owner is responsible to conform to the master grading plan.

- F. A permanent lawn shall be established on each parcel within one year after the issuance of the occupancy permit.
- G. The permanent maintenance of all drainage swales shall be vested with the Developer until individual lots are deeded over to the new property owner.
- H. A driveway approach in accord with the provisions of Chapter 6 of the Oak Creek Municipal Code shall be installed to service each parcel within one year after the issuance of the occupancy permit. A permit from the City Engineer is required for

this construction.

- I. All outlots, common areas, pedestrian pathways, storm water detention facilities and wetland areas that are not located within lots shall be owned and maintained by the Homeowners Association, unless noted on the final plat as being dedicated to the public.
- J. The City does not enforce deed restrictions, except for those that are supported by City ordinance.

Document Number

EAST BROOK PRESERVE
DECLARATION OF RESTRICTIONS
Document Title

Recording Area

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

873-9006-006 & 873-9998-002
Parcel Identification Number (PIN)

This Declaration of Restrictions, made this 16th day of 2017,
2017.

WHEREAS, The Orchards of Mukwonago, L.L.C 11600 W. Lincoln Avenue,
West Allis, WI 53227, is the owner of the following described parcel of real estate:

Being part of Parcel 2 of Certified Survey Map No. 6912, recorded in the Register of
Deeds office for Milwaukee County on January 5, 2001 as Document No. 8007497 and
additional lands, all being a part of the Northeast 1/4 and Southeast 1/4 of the Southeast
1/4 of Section 21, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee
County, bounded and described as follows:

Beginning at the southeast corner of the Southeast 1/4 of said Section 21; thence South
89°27'03" West along the south line of said Southeast 1/4, 665.28 feet; thence North
00°31'41" East, 30.01 feet to the south line of Parcel 2 of said Certified Survey Map No.
6912 and the north right of way line of East Ryan Road; thence South 89°27'03" West

along said north right of way line, 662.10 feet to a west line of said Parcel 2; thence North 00°47'00" East along said west line, 703.53 feet to the south line of Certified Survey Map No. 8047; thence South 66°22'00" East along said south line, 42.66 feet to the east line of said Certified Survey Map No. 8047; thence North 23°00'00" East along said east line, 424.75 feet; thence North 05°00'00" West along said east line, 214.41 feet; thence North 30°47'13" West along said east line, 363.45 feet; thence North 00°28'13" East along said east line and then continuing along the west line of the East 1/2 of said Southeast 1/4, 1017.24 feet to the north line of the Southeast 1/4 of said Section 21; thence North 89°28'08" East along said north line, 640.03 feet; thence South 63°15'20" East, 719.70 feet; thence South 89°24'51" East, 49.75 feet to the east line of the Southeast 1/4 of said Section 21; thence South 00°35'09" West along said east line, 222.43 feet; thence North 89°24'51" West and then along a north line of Certified Survey Map No. 7529, 245.00 feet to a west line of said Map No. 7529; thence South 00°35'09" W along said west line, 100.00 feet to a north line of said Map No. 7529; thence North 89°24'51" West along said north line, 257.50 feet to a west line of said Map No. 7529; thence South 00°35'09" West along said west line, 216.72 feet to the south line of said Map No. 7529; thence South 89°24'51" East along said south line, 167.50 feet; thence South 00°35'09" West, 640.00 feet; thence South 89°24'51" East, 335.00 feet to the aforesaid east line of the Southeast 1/4; thence South 00°35'09" West along said east line, 370.18 feet; thence North 89°24'51" West, 456.00 feet; thence South 00°35'09" West and then along the west line of Certified Survey Map No. 8505, 620.00 feet to the south line of said Certified Survey Map No. 8505; thence South 89°24'51" East along said south line, 456.00 feet to the aforesaid east line of the Southeast 1/4; thence South 00°35'09" West along said east line, 150.00 feet to the Point of Beginning. Said lands containing 2,634,467 square feet (60.4790 Acres) Gross.

NOW, THEREFORE, The Orchards of Mukwonago, LLC hereby declares the property as described above shall be subject to the following restrictions:

- A. Developer, as used in the context of these deed restrictions shall mean the Developer, and its successors and assigns.
- B. Electric, telephone and cable television services shall be provided by the installation of underground service lines.
- C. A copy of the approved grading plans referred to in Exhibit A of the development agreement shall be on file at the office of the City Engineer.
- D. The installation of any type of improvement on the public street right-of-way (walks, drives, sprinkler systems, etc.) requires the issuance of a permit by the City and/or the State of Wisconsin, as may be applicable.
- E. The Developer shall provide certification from a registered land surveyor or professional

engineer that the final grade along all lot lines, in the invert of all drainage swales, lot pads, and at other critical locations as determined by the City Engineer, complies with the approved grading plan. Such certification shall be on a plan copy with the elevations as existing so indicated. 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.

If not in compliance, appropriate regrading shall be performed. Such certification shall be provided to the City Engineer prior to final plat approval. Property owner is responsible to conform to the master grading plan.

- F. A permanent lawn shall be established on each parcel within one year after the issuance of the occupancy permit.
- G. The permanent maintenance of all drainage swales shall be vested with the Developer until individual lots are deeded over to the new property owner.
- H. A driveway approach in accord with the provisions of Chapter 6 of the Oak Creek Municipal Code shall be installed to service each parcel within one year after the issuance of the occupancy permit. A permit from the City Engineer is required for this construction.
- I. All outlots, common areas, pedestrian pathways, storm water detention facilities and wetland areas that are not located within lots shall be owned and maintained by the Homeowners Association, unless noted on the final plat as being dedicated to the public.
- J. The City does not enforce deed restrictions, except for those that are supported by City ordinance.

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:

The Orchards of Mukwonago, LLC (S.F.)

By: Michael J. Kaerek
Michael J. Kaerek, Member

By: Wolf Korndoerfer
Wolf Korndoerfer, Member

STATE OF WISCONSIN)
(SS.
MILWAUKEE COUNTY)

Personally came before me this 16th day of November, 2017, the above-named Michael J. Kaerek, Member of The Orchards of Mukwonago, LLC to me known to be the person who executed the foregoing instrument and to me known to be such Member of said corporation, acknowledged that he executed the foregoing instrument as such officer.



Sharon A. Hopp
Notary Public, Milwaukee County, State of Wisconsin
My Commission expires: 4/30/21

STATE OF WISCONSIN)
(SS.
WAUKESHA COUNTY)

Personally came before me this 16th day of November, 2017, the above-named Wolf Korndoerfer, Member of The Orchards of Mukwonago, LLC to me known to be the person who executed the foregoing instrument and to me known to be such Member of said corporation, acknowledged that he executed the foregoing instrument as such officer.



Lynn M. Maikowski
Notary Public, Waukesha County, State of Wisconsin
My Commission expires: 11/8/2019
DR-4

My Commission expires:
APPROVAL

The foregoing Declaration of Restrictions is hereby approved by the City of Oak Creek dated this _____ day of _____, 2017.

CITY OF OAK CREEK

COUNTERSIGNED:

BY: _____
Douglas W. Seymour, AICP
Director of Community Development

Michael C. Simmons, P.E.
City Engineer

STATE OF WISCONSIN)
(SS.
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____, 2017, DOUGLAS W. SEYMOUR, Director of Community Development and MICHAEL C. SIMMONS, City Engineer, of the above-named municipal corporation, CITY OF OAK CREEK, to me known to be such Director of Community Development and City Engineer 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.

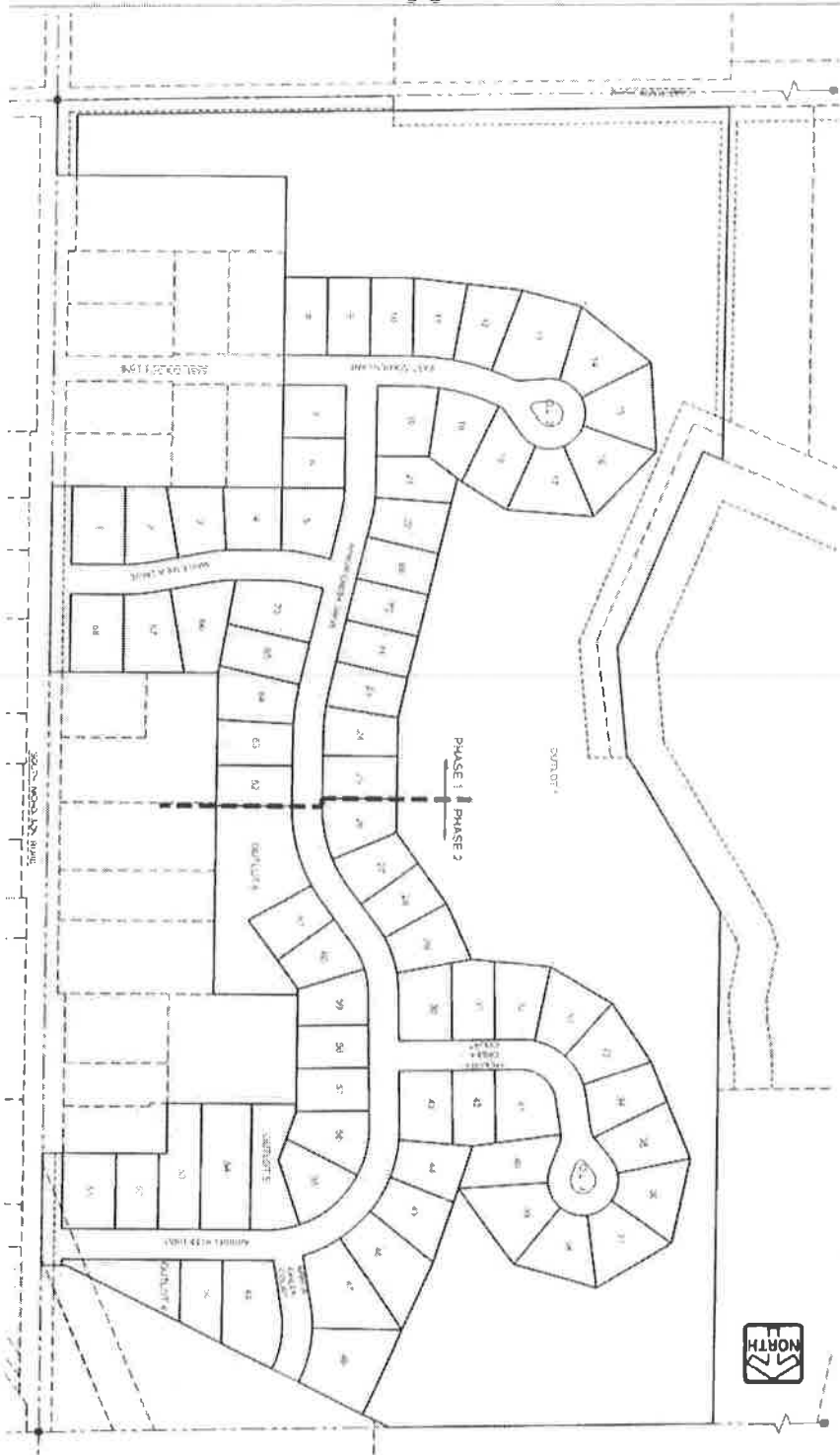
Notary Public, Milwaukee County, WI

My commission expires:

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

EXHIBIT D
PRELIMINARY PLAT
(attached)

EXHIBIT E
REVISED PLAT
(attached)



City of Oak Creek Common Council Report

Meeting Date November 21, 2017

Item No.: 20

Recommendation: That the Common Council adopts Resolution No. 11883-112117, a resolution approving a storm water management practices maintenance agreement with The Orchards of Mukwonago, LLC, 11600 W. Lincoln Avenue, West Allis, WI 53227, for their East Brooke Preserve Subdivision. (Tax Key No. 873-9006-006 and 873-9998-002) (3rd Aldermanic District)

Background: The proposed East Brooke Preserve Subdivision located on S. Nicholson Road requires onsite storm water management practices in accordance with Sections 13.100 through 13.114 of the Municipal Code. Section 13.109 of the Municipal Code requires a maintenance agreement between the City and the permittee for the future maintenance of the required storm water management practices.

Fiscal Impact: None. The owner is responsible for all costs per the Storm Water Management Practices maintenance agreement.

Prepared by:



Philip J. Beiermeister, P.E.
Environmental Design Engineer

Respectfully submitted:



Andrew J. Vickers, M.P.A.
City Administrator

Approved by:



Michael C. Simmons, P.E.
City Engineer

Fiscal review by:



Bridget M. Souffrant
Finance Director/Comptroller

RESOLUTION NO. 11883-112117

BY: _____

RESOLUTION APPROVING A STORM WATER MANAGEMENT PRACTICES MAINTENANCE AGREEMENT FOR THE EAST BROOKE PRESERVE SUBDIVISION

(TAX KEY NO. 873-9006-006 & 873-9998-002)

(3RD ALDERMANIC DISTRICT)

WHEREAS, THE ORCHARDS OF MUKWONAGO, LLC (Owner), requires onsite storm water management practices for their proposed East Brooke Preserve Subdivision, and,

WHEREAS, the City requires that the Owner enter into a Storm Water Management Practices Maintenance Agreement, and,

WHEREAS, the required Storm Water Management Practices Maintenance Agreement has been prepared and signed by the Owner,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the attached Storm Water Management Practices Maintenance Agreement, as signed by the Owner, is hereby approved by the City.

BE IT FURTHER RESOLVED that the Mayor and the City Clerk are hereby authorized and directed to execute the attached agreement on behalf of the Common Council of the City of Oak Creek and upon execution by both the City of Oak Creek and the Owner, the City Attorney is hereby authorized and directed to record the same 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 21st day of November, 2017.

Passed and adopted this 21st day of November, 2017.

President, Common Council

Approved this 21st day of November, 2017.

Mayor

ATTEST:

City Clerk

VOTE: AYES _____ NOES _____

Document Number

EAST BROOKE PRESERVE SUBDIVISION
Storm Water Management Practices
Maintenance Agreement
Document Title

Recording Area

Michael C. Simmons
Engineering Department
8040 S. 6th Street
Oak Creek, WI 53154
Name and Return Address

873-9006-006 & 873-9998-002

Parcel Identification Number (PIN)

STORM WATER MANAGEMENT PRACTICES MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this 16th day of NOVEMBER, 2017, by and between The Orchards of Mukwonago, LLC, 11600 W. Lincoln Avenue, West Allis, WI 53227, hereinafter called the "Owner", and the City of Oak Creek, hereinafter called the "City".

WITNESSETH:

WHEREAS, the Owner is the owner of the following described lands situated in the City of Oak Creek, County of Milwaukee, State of Wisconsin, to-wit:

Being part of Parcel 2 of Certified Survey Map No. 6912, recorded in the Register of Deeds office for Milwaukee County on January 5, 2001 as Document No. 8007497 and additional lands, all being a part of the Northeast 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 21, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, bounded and described as follows:

Beginning at the southeast corner of the Southeast 1/4 of said Section 21; thence South 89°27'03" West along the south line of said Southeast 1/4, 665.28 feet; thence North 00°31'41" East, 30.01 feet to the south line of Parcel 2 of said Certified Survey Map No. 6912 and the north right of way line of East Ryan Road; thence South 89°27'03" West along said north right of way line, 662.10

feet to a west line of said Parcel 2; thence North 00°47'00" East along said west line, 703.53 feet to the south line of Certified Survey Map No. 8047; thence South 66°22'00" East along said south line, 42.66 feet to the east line of said Certified Survey Map No. 8047; thence North 23°00'00" East along said east line, 424.75 feet; thence North 05°00'00" West along said east line, 214.41 feet; thence North 30°47'13" West along said east line, 363.45 feet; thence North 00°28'13" East along said east line and then continuing along the west line of the East 1/2 of said Southeast 1/4, 1017.24 feet to the north line of the Southeast 1/4 of said Section 21; thence North 89°28'08" East along said north line, 640.03 feet; thence South 63°15'20" East, 719.70 feet; thence South 89°24'51" East, 49.75 feet to the east line of the Southeast 1/4 of said Section 21; thence South 00°35'09" West along said east line, 222.43 feet; thence North 89°24'51" West and then along a north line of Certified Survey Map No. 7529, 245.00 feet to a west line of said Map No. 7529; thence South 00°35'09" W along said west line, 100.00 feet to a north line of said Map No. 7529; thence North 89°24'51" West along said north line, 257.50 feet to a west line of said Map No. 7529; thence South 00°35'09" West along said west line, 216.72 feet to the south line of said Map No. 7529; thence South 89°24'51" East along said south line, 167.50 feet; thence South 00°35'09" West, 640.00 feet; thence South 89°24'51" East, 335.00 feet to the aforesaid east line of the Southeast 1/4; thence South 00°35'09" West along said east line, 370.18 feet; thence North 89°24'51" West, 456.00 feet; thence South 00°35'09" West and then along the west line of Certified Survey Map No. 8505, 620.00 feet to the south line of said Certified Survey Map No. 8505; thence South 89°24'51" East along said south line, 456.00 feet to the aforesaid east line of the Southeast 1/4; thence South 00°35'09" West along said east line, 150.00 feet to the Point of Beginning. Said lands containing 2,634,467 square feet (60.4790 Acres) Gross.

Hereinafter called the "Property".

WHEREAS, the Owner is developing the Property; and

WHEREAS, the Site Plan/Subdivision Plan known as East Brooke Preserve, hereinafter called the "Plan", which is expressly made a part hereof, as approved or to be approved by the City, provides for on-site storm water management practices within the confines of the Property; and

WHEREAS, the City and the Owner, its successors and assigns, including any homeowners association, agree that the health, safety, and welfare of the residents of the City of Oak Creek, require that on-site storm water management practices as defined in Section 13.103 of the Oak Creek Municipal Code be constructed and maintained on the Property; and

WHEREAS, the City requires that on-site storm water management practices as shown on the Plan be constructed and adequately maintained by the Owner, its successors and assigns, including any homeowners association.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site storm water management practices shall be constructed by the Owner, its successors and assigns, including any homeowners association, in accordance with the plans and specifications identified in the Plan. The storm water management practices shall serve the drainage area designated in the Plan.
2. The Owner, its successors and assigns, including any homeowners association, shall regularly inspect the storm water management practices as often as conditions require, but in any event at least once each year. The standard Operation and Maintenance Report attached to this

agreement as Exhibit A and by this reference made a part hereof shall be used for the purpose of the regular inspections of the storm water management practices. The Owner, its successors and assigns shall keep the Operation and Maintenance Reports from past inspections as well as a log of maintenance activity indicating the date and type of maintenance completed. The Reports and maintenance log shall be made available to the City for review. The purpose of the inspections is to assure safe and proper functioning of the facilities. The inspections shall cover all facilities including but not limited to berms, outlet structures, subsurface structures, infiltration areas, pond areas and access roads. Deficiencies shall be noted in the Operation and Maintenance Report.

3. The Owner, its successors and assigns, including any homeowners association, shall adequately maintain the storm water management practices, including but not limited to all pipes and channels built to convey storm water to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the storm water. Adequate maintenance is herein defined as keeping the storm water management facilities in good working condition so that these facilities are performing their design functions and are in accordance with the Detention Basin Maintenance Standards attached to this agreement as Exhibit B and by this reference made a part hereof.
4. The Owner, its successors and assigns, including any homeowners association, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property and to inspect the storm water management practices whenever the City deems necessary. The purpose of inspection is to investigate reported deficiencies and/or to respond to citizen complaints. The City shall provide the Owner, its successors and assigns, including any homeowners association, copies of the inspection findings and a directive to commence with the repairs if necessary. Corrective actions shall be taken within a reasonable time frame as established by the City Engineer.
5. If the Owner, its successors and assigns, including any homeowners association, fails to maintain the storm water management practices in good working condition acceptable to the City and does not perform the required corrective actions in the specified time, the City may:
 - a) Issue a citation to the Owner, its successors and assigns. The penalty for violation of this section shall be not less than \$50.00 nor more than \$500.00 for each offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense, and
 - b) Perform the corrective actions identified in the inspection report and assess the Owner, its successors and assigns for the cost of such work. The cost of such work shall be specially assessed against the Property pursuant to Wisconsin Statutes Section 66.0703. If the facilities are located on an outlot owned collectively by a homeowners association, the City may assess each member of the homeowners association according to the ownership interest in the facilities located on the property. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Owner outside of the easement for the storm water management practices. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said storm water management practices, and in no event shall this Agreement be construed to impose any such obligation on the City.
6. The Owner, its successors and assigns, including any homeowners association, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the storm water management practices (including sediment removal) is outlined on the approved plans, the schedule will be followed. The minimal

amount of maintenance on the storm water management practices shall be in accordance with the Detention Basin Maintenance Standards (Exhibit B).

7. In the event the City pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Owner, its successors and assigns, including any homeowners association, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City hereunder.
8. This Agreement imposes no liability of any kind whatsoever on the City and the Owner agrees to hold the City harmless from any liability in the event the storm water management practices fail to operate properly.
9. This Agreement shall be attached as an exhibit to any document which creates a homeowners association that is responsible for maintenance of the storm water management practices and be recorded at the Milwaukee County Register of Deeds, and shall constitute a covenant running with the land, and shall be binding on the Owner, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowners association. The owner shall provide the City with a copy of any document which creates a homeowners association that is responsible for the storm water management practices.

WITNESS the following signatures and seals:

THE ORCHARDS OF MUKWONAGO, LLC

Michael J. Kaerek (JF)
Michael J. Kaerek, Member

Wolf Korndoerfer
Wolf Korndoerfer, Member

The foregoing Agreement was acknowledged before me this 16th day of November, 2017, by the above named MICHAEL J. KAEREK.

Sharon A. Hopp
NOTARY PUBLIC



My Commission Expires: 4/30/21

The foregoing Agreement was acknowledged before me this 11th day of November, 2017, by the above named WOLF KORNDORFER.

Lynn Maikowski
NOTARY PUBLIC



My Commission Expires: 11/8/2019

CITY OF OAK CREEK, WISCONSIN

Daniel J. Bukiewicz, Mayor

Catherine A. Roeske, City Clerk

The foregoing Agreement was acknowledged before me this ____ day of _____, 2017,
by the above named DANIEL J. BUKIEWICZ and CATHERINE A. ROESKE.

NOTARY PUBLIC

My Commission Expires: _____

This document was prepared by Philip J. Beiermeister, P.E. of the City of Oak Creek Engineering
Division.

Approved as to Form:

City Attorney

Date



EXHIBIT A OPERATION AND MAINTENANCE INSPECTION REPORT STORM WATER MANAGEMENT PONDS

Inspector Name: _____

Tax Key No.: _____

Inspection Date: _____

Location: _____

Detention Basin Type: Wet Pond _____ Underground _____
 Extended Dry _____ Bioretention _____
 Artificial Wetland _____

Watershed _____

Items Inspected (Pond components)	Checked (Yes/ No/ NA)	Maintenance Needed (Yes/ No/ NA)	Remarks
Embankment and Emergency spillway			
1. Trash and debris			
2. Vegetation and ground cover adequate			
3. Embankment erosion			
4. Animal burrows			
5. Unauthorized plantings/tree growth			
6. Cracking, bulging, or sliding of embankment			
a. Upstream face and toe of slope			
b. Downstream face and toe of slope			
7. Settlement			
8. Seeps/leaks on downstream face			
9. Emergency spillway			
a. Clear of trash and debris			
b. Settlement			
c. Slope protection or riprap failures			
10. Other (specify)			
Inlet/Outlet Structures			
Type: Pipe (RCP/CMP/Plastic)			
Stand pipe/inlet box with orifice			
Weir (V-notch/Rectangular)			
Other _____			
1. Erosion/scouring/undermining at inlet or outlet			
2. Primary outlet structure			
a. Debris or sediment removal necessary			
b. Damaged			
c. Orifice plate damaged, out of place or missing			
3. Trash rack/hood maintenance			
a. Trash or debris removal necessary			
b. Damaged or missing			
c. Corrosion/rust control			
Pond Bottom/Pool Area			
1. Sediment accumulation (estimate depth)			
2. Water level at normal pool elevation			
3. Oil sheen on water			

EXHIBIT B
DETENTION BASIN MAINTENANCE STANDARDS

Maintenance Component	Defect	Conditions When Maintenance Is Needed	Results Expected When Maintenance Is Performed
Side Slopes and Embankments	Trash & Debris	Any visual evidence of dumping, trash or debris.	Trash and debris cleared from site.
	Unmowed vegetation/ Ground Cover	Unless designated by the Common Council as a nature center or wildlife preserve, if the facility is located in a platted subdivision, multi-family apartment complex, planned development or a mobile home district, mowing is needed when vegetation exceeds 6 inches in height. In all other areas, mowing is needed when vegetation exceeds one foot in height. Mowed vegetation should be removed from areas where it could enter the pond, either when the pond level rises or by rainfall runoff.	When mowing is needed, grass/ground cover should be mowed to 2 inches in height. Trees and bushes should be removed where they interfere with pond maintenance activities; that is, at the inlet, outlet and near engineered structures. Nature centers and wildlife preserves should follow the maintenance guidelines in the approving resolution and approved storm water management plan.
	Rodent Holes	Any evidence of rodent holes if facility is acting as a dam or berm, or any evidence of water piping through dam or berm via rodent holes.	Rodents destroyed and dam or berm repaired.
	Tree Growth	Tree growth does not allow maintenance access or interferes with maintenance activity (i.e., slope mowing, silt removal or equipment movements).	Trees do not hinder maintenance activities.
	Erosion	Eroded damage over 2 inches deep where cause of damage is still present or where there is potential for continued erosion.	Slopes should be stabilized by using appropriate erosion control measures; e.g., rock rip-rap, planting of grass, erosion mat, compaction.
Inlet/ Outlet Pipe	Debris and Sediment	Sediment and/or debris clogging more than 10% of the pipe opening.	No clogging or blockage in the inlet and outlet piping.
	Damaged	Rust is causing more than 50% deterioration to any part of metal pipes, cracks in plastic pipe or cracks or exposed rebar in concrete pipes.	Pipe repaired or replaced.
		Any dent that decreases the cross section area of pipe by more than 10% or retards the flowage of water.	Pipe repaired or replaced.
	Erosion/Scouring	Eroded or scoured bottom at inlet or outlet pipes; undermining of structure or end section.	Area should be stabilized by using appropriately sized rock rip-rap.
	Damaged or Missing Orifice Plate	Control device is not working properly due to missing, out of place, or bent orifice plate.	Plate is in place and works as designed.
	Orifice Plate Obstructions	Any trash, debris, sediment, or vegetation blocking the plate.	Plate is free of all obstructions and works as designed.
Trash Racks/Hoods	Trash and Debris	Trash or debris that is plugging more than 20% of the openings in the barrier.	Barrier clear to receive capacity flow.
	Damaged/ Missing Bars or Hood.	Bars or hood are bent out of shape more than 3 inches.	Bars in place with no bends more than 3/4 inch.
		Bars are missing or entire barrier missing.	Bars in place according to design.
		Bars are loose and rust is causing 50% deterioration to any part of barrier.	Repair or replace barrier to design standards.
Pool Area	Sediment Accumulation in Pond Bottom	Sediment accumulations in pond bottom that exceeds the design sediment depth.	Sediment cleaned out to designed pond shape and depth; pond reseeded if necessary to control erosion.
	Water Level	Water level does not drain down to normal designed pool elevation.	Check outlet structure and downstream conveyance system for obstructions.
	Oil Sheen on Water	Prevalent and visible oil sheen.	Remove oil from water by use of oil-absorbent pads or by vacator truck. Refer problem to locate source and correct.
Emergency Overflow/Spillway and Dikes	Settlements	Any part of these components that has settled 4-inches lower than the design elevation, or inspector determines dike/ berm is unsound.	Dike should be built back to the design elevation and repaired to specifications.
	Rock Missing	Only one layer of rock exists above native soil in area five square feet or larger, or any exposure of native soil at the top emergency spillway.	Replace rocks to design standards.

City of Oak Creek Common Council Report

Meeting Date: November 21, 2017

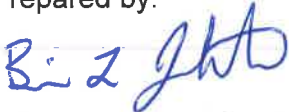
Item No.: 21

Recommendation: That the Common Council adopts Resolution No. 11886-112117, a resolution approving an Easement Agreement by and between the City of Oak Creek and 4545 II LLC (Tax Key No. 955-1026-000) (5th Aldermanic District).

Background: As part of the development of Lot 1 of Certified Survey Map No. 8718 at 10651 S. Oakview Parkway, a storm pond, drainage, and storm sewer easement is required on the City owned outlot. 4545 II LLC is the new property owner of Lot 1. The easement is needed to convey the storm water drainage from the developed Lot 1 to the existing easement on the outlot. Staff has worked with the owner to prepare the storm pond, drainage, and storm sewer easement and exhibit. This easement will establish for the developer the right to install and maintain the storm sewer drainage from the buildable lot across the City owned outlot. The City is not responsible for maintenance of the swale drainage or storm sewer pipe.

Fiscal Impact: None.

Prepared by:



Brian L. Johnston, P.E.
Assistant City Engineer

Respectfully submitted,



Andrew J. Vickers, M.P.A.
City Administrator

Approved by:



Michael C. Simmons, P.E.
City Engineer

Fiscal review by:



Bridget M. Souffrant
Finance Director / Comptroller

RESOLUTION NO. 11886-112117

RESOLUTION APPROVING AN EASEMENT AGREEMENT BY AND BETWEEN
THE CITY OF OAK CREEK AND 4545 II LLC
(5th Aldermanic District)

BE IT RESOLVED that the Easement Agreement (“Agreement”) by and between the City of Oak Creek and 4545 II LLC be and the same is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute the same in behalf of the City.

BE IT FURTHER RESOLVED that the Agreement is subject to technical corrections approved by the City Administrator and the City Attorney.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 21st day of November, 2017.

Passed and adopted this _____ day of November, 2017.

Common Council President Kenneth Gehl

Approved this _____ day of November, 2017.

Mayor Daniel J. Bukiewicz

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes _____ Noes _____

EASEMENT AGREEMENT

Document Number

Document Title

THIS EASEMENT AGREEMENT (this "Agreement") is made and entered in as of the day of November, 2017, by and between the CITY OF OAK CREEK, a Wisconsin municipal corporation ("Grantor"), and 4545 II LLC, a Wisconsin limited liability company ("Grantee").

RECITALS

WHEREAS, Grantor is the owner of that certain property in the City of Oak Creek described as Outlot 1 of Certified Survey Map No. 8718 (the "Grantor Parcel", as further described on Exhibit A attached hereto), which was recorded with the Milwaukee County Register of Deeds on August 31, 2015 as Document No. 10494589 (the "CSM");

WHEREAS, Grantee is the owner of that certain property in the City of Oak Creek described as Lot 1 of the CSM (the "Grantee Parcel", as further described on Exhibit B attached hereto);

WHEREAS, Grantor has agreed to grant to Grantee, and Grantee wishes to accept from Grantor, an easement for surface stormwater flow and drainage and the installation and maintenance of a storm sewer pipe (the "Drainage Easement") over that portion of the Grantor Parcel that is described on Exhibit C (the "Easement Area"); and

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, Grantor and Grantee agree as follows:

1. Grant of Easement. Subject to the terms, conditions, and covenants contained herein, Grantor hereby creates and establishes a perpetual, non-exclusive easement (the "Easement") over, across and upon the Easement Area, for the benefit of Grantee and its successors and assigns as owners of the Grantee Parcel, and the present and future occupants, tenants, employees, invitees and customers thereof, solely for the purposes of (i) permitting surface stormwater flow and drainage over the Easement Area, and (ii) installing, maintaining, repairing and replacing as necessary, the sewer pipe.

2. Installation and Maintenance of the Drainage Easement.

a. Grantee shall at its own expense install, maintain, repair and replace the sewer pipe, except to the extent that the sewer pipe has been damaged by Grantor or any of its

Recording Area

Name and Return Address

See Exhibit A attached hereto

Parcel Identification Number (PIN)

agents, contractors or employees; provided, however, that in the event that Grantor or any of its contractors, agents or employees damages the sewer pipe, Grantor shall promptly notify Grantee and shall repair such damage at Grantor's expense.

b. All installation, repairs, maintenance and replacement work performed hereunder shall be performed in a good and workmanlike manner, free of liens and in compliance with all applicable laws. At no cost to Grantor, Grantee shall promptly repair or replace any pavement, plantings and sprinklers within the Easement Area that are damaged by Grantee. Grantee agrees to provide reasonable advance notice to Grantor prior to entering upon the Easement Area for the purpose of installing, maintaining, repairing or replacing the sewer pipe. Pursuant to the Storm Water Management Practices Maintenance Agreement for OakView Business Park recorded on September 11, 2013 as Document No. 10292418, Grantee agrees to adequately maintain the storm water management practices.

3. **Limitations.** Grantor may not construct any improvements in the Easement Area or otherwise act in a manner that materially interferes with the rights granted to Grantee under the Easement.

4. **No Easement by Prescription.** Grantee agrees that its past, present, or future use of the Easement Area shall not be deemed to permit the creation or further the existence of prescriptive easement rights or the procurement of title by adverse possession with respect to all or any portion of the Easement Area, and all of Grantee's rights in the Easement Area are governed exclusively by this Easement.

5. **Indemnification.** Grantee shall indemnify, defend, and hold Grantor harmless from and against any and all claims, actions, damages, liability, demands, costs and expenses, including reasonable attorneys' fees, that arise in connection with the exercise of the rights granted under the Easement by Grantee or any of its successors, assigns, tenants, occupants, invitees, contractors, agents or employees.

6. **Termination.** The Easement shall terminate only upon the express written consent and agreement of the parties as required herein.

7. **Severability.** If any term or provision of this Agreement is held to be invalid or unenforceable by a court of competent jurisdiction, then such holding shall not affect any other terms, conditions, or covenants of this Agreement and the same shall continue to be effective to the fullest extent permitted by law.

8. **Governing Law.** This Agreement concerns property located in the State of Wisconsin and shall be construed in accordance with the internal laws of the State of Wisconsin.

9. **Binding Effect.** The easement rights granted herein shall be deemed to be covenants running with the land and shall be binding upon and inure to the benefit of the parties hereto and their respective successors, assigns, tenants and occupants.

10. **Entire Agreement.** This Agreement includes the parties' entire understanding with respect to the subject matter hereof.

11. **Amendment.** This Agreement shall not be amended, modified, terminated, or in any manner altered without the parties' express written consent and agreement, in recordable form.

12. **Waiver or Consent.** No waiver of, acquiescence in, or consent to any breach of any term, condition, or covenant contained herein shall be construed as or constitute a waiver of, acquiescence in, or consent to any other, further, or succeeding breach of the same or of any other term, condition, or covenant contained herein.

13. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which will be deemed an original.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and delivered as of the date first above written.

4545 II LLC

By: First American Exchange Company, LLC,
its sole member

By: _____
Name: Mark Bullock
Its: Legal Counsel

CITY OF OAK CREEK

By: _____
Daniel J. Bukiewicz, Mayor

By: _____
Catherine A. Roeske, City Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)

Personally came before me this ____ day of November, 2017 the above-named Mark Bullock, to me known to be the Legal Counsel of First American Exchange Company, LLC, sole Member of 4545 II, LLC, who executed the foregoing instrument by its authority and on its behalf and acknowledged the same.

Print Name: _____
Notary Public, State of Wisconsin
My Commission: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)

Personally came before me this ____ day of November, 2017 the above-named Daniel J. Bukiewicz and Catherine A. Roeske, to me known to be the Mayor and City Clerk, respectively, of the City of Oak Creek, who executed the foregoing instrument by its authority and on its behalf and acknowledged the same.

Print Name: _____
Notary Public, State of _____
My Commission: _____

This document was drafted by:

EXHIBIT A

Description of the Grantor Parcel

Outlot 1 of Certified Survey Map No. 8718, which was recorded with the Milwaukee County Register of Deeds on August 31, 2015 as Document No. 10494589, located the Northwest 1/4 of the Southeast 1/4 of Section 32, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

EXHIBIT B

Description of the Grantee Parcel

Lot 1 of Certified Survey Map No. 8718, which was recorded with the Milwaukee County Register of Deeds on August 31, 2015 as Document No. 10494589, located the Northwest 1/4 of the Southeast 1/4 of Section 32, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

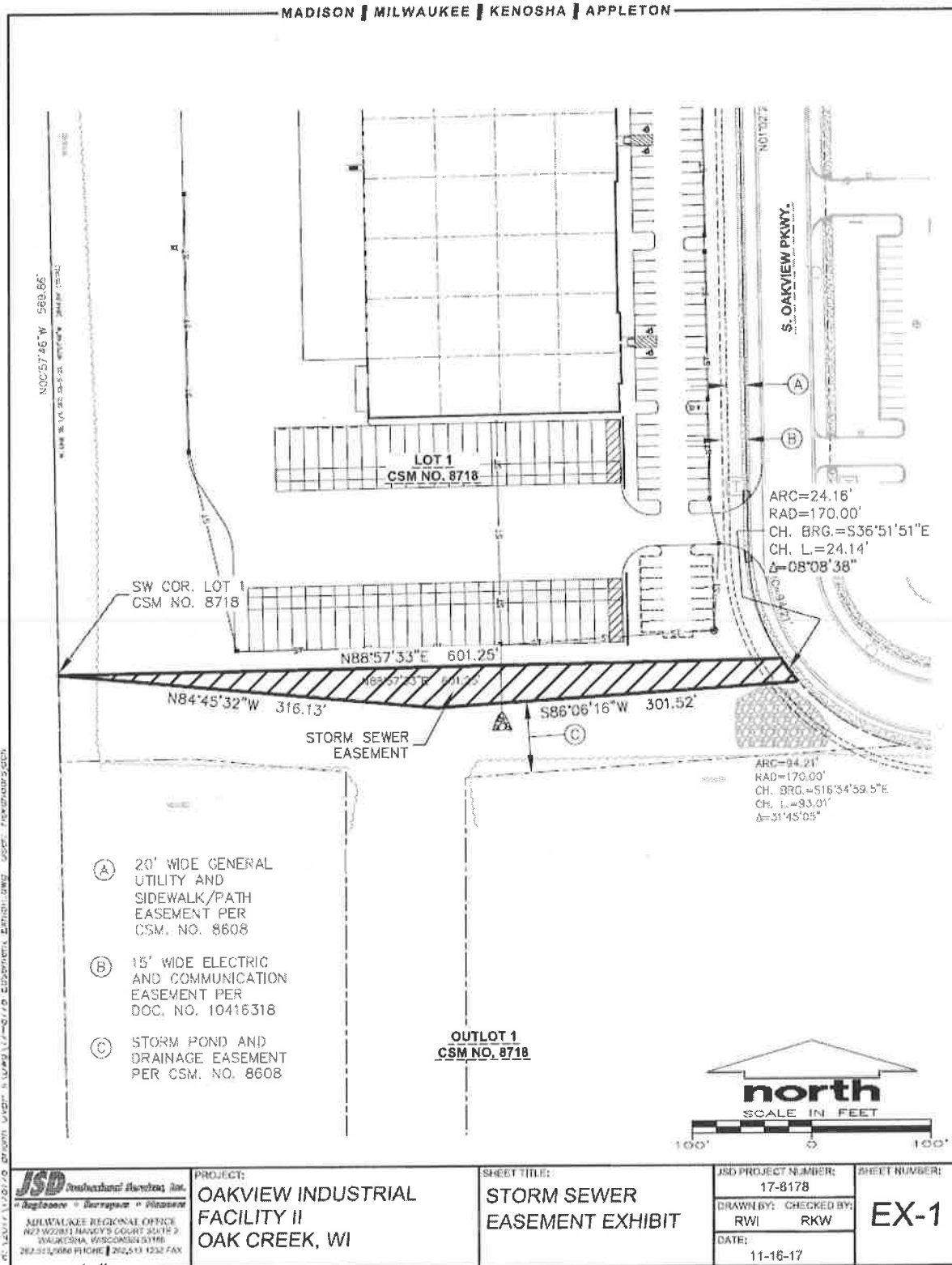
EXHIBIT C

Description of the Easement Area

All that part of Outlot 1 of Certified Survey Map No. 8718, located the Northwest 1/4 of the Southeast 1/4 of Section 32, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

Commencing and beginning at the southwest corner of Lot 1 of said Certified Survey Map; thence North $88^{\circ}57'33''$ East along the south line of said Lot 1, 601.25 feet to the southeast corner of said Lot 1, the west line of South Oakview Parkway and a point on a curve; thence southeasterly 24.16 feet along said west line and along the arc of said curve to the left whose radius is 170.00 feet and whose chord bears South $36^{\circ}51'51''$ East, 24.14 feet to the north line of a Storm Pond, Drainage and Storm Sewer Easement as described in Certified Survey Map No. 8608; thence South $86^{\circ}06'16''$ West along said north line, 301.52 feet; thence North $84^{\circ}45'32''$ West along said north line, 316.13 feet to the point of beginning.

The Easement Area (the "Storm Sewer Easement") is depicted below:



City of Oak Creek Common Council Report

Meeting Date: November 21, 2017

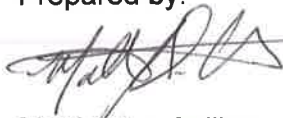
Item No.: 22

Recommendation: To concur with the recommendations of the Traffic and Safety Commission to approve the installation of pedestrian crossing signs and crosswalk pavement markings at the pedestrian crossing near 340 Parkway Estates Drive. (Aldermanic District 3)

Background: Pedestrian Crossing – Engineering described the request that was received by Alderman Duchniak (District 3). There were 10 residents present from the area in support of the improvements. The residents stated that over the past years younger families have begun to move into the neighborhood and that these families frequent the park by using the crosswalk. The commission members agreed that improvements at this mid-block crossing are warranted and would be an appropriate improvement.

FISCAL IMPACT: Street Department will construct and install signs and pavement markings.

Prepared by:



Matthew J. Sullivan, P.E.
Design Engineer

Respectfully submitted,



Andrew J. Vickers, MPA
City Administrator

Fiscal review by:



Bridget M. Souffrant
Finance Director / Comptroller

