

RESOLUTION 2009-80-S

**FINAL RESOLUTION DECLARING
INTENT TO EXERCISE SPECIAL ASSESSMENT
POWERS UNDER SECTION 66.0703, WISCONSIN
STATUTES, FOR BROADWAY DRIVE ROAD CONSTRUCTION IN THE
VILLAGE OF STURTEVANT**

The Village Board of the Village of Sturtevant, Racine County, Wisconsin do resolve as follows:

WHEREAS, the Village Board of the Village of Sturtevant, Racine County, Wisconsin, held a public hearing on May 19, 2009 for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Village Engineer on the proposed public improvements consisting of certain road re-construction, storm sewer, sidewalk and driveway approach work, and appurtenances thereto, to be performed by the Village of Sturtevant on Broadway Drive, for the following Assessment District:

Assessment District

The Assessment District includes all lands within the Village of Sturtevant which are described as follows:

All properties abutting Broadway Drive between its intersection with 90th Street to the east and 97th Street to the west, plus all parcels within the Chicory Creek subdivision, including the following:

Tax Parcel I.D. No.	Owner of Parcel
181032228064000	CALVARY BAPTIST CHURCH OF STURTEVANT
181032228064000	CALVARY BAPTIST CHURCH OF STURTEVANT
181032228270000	BUISSE WAYNE P
181032228271000	HETLAND JOHN D & RACHEL A
181032228272000	RAMSEY MATTHEW C
181032228273000	SCHATZMAN FAMILY TRUST WAYNE R
181032228274000	COATES SANDI S
181032228275000	PHILLIPS JERRY & DONNA R
181032228276000	RICHTER JEFFREY & JUDY
181032228277000	CLARK STEPHEN R & ELIZABETH L
181032228278000	BRUG PAUL & JODY
181032228279000	DEAN JOHN S & BARBARA J
181032228280000	LINDEN EDWARD T

181032228269000	BECK STEPHEN T & KRISTINE E
181032228268000	BECK STEPHEN T & KRISTINE E
181032228267000	BECK STEPHEN T & KRISTINE E
181032228001010	SCHATZMAN TRUST WAYNE R & MARI
181032228001020	HUGASIAN & HUGASIAN ROBERT
181032228001040	HUGASIAN & HUGASIAN ROBERT
181032228001030	HUGASIAN & HUGASIAN ROBERT
181032228100116	SORENSEN RICHARD S
181032228100117	SORENSEN RICHARD S
181032228100118	SORENSEN RICHARD S
181032228196000	PIAS BENJAMIN K
181032228197000	SCHUMACHER RONALD R
181032228240000	WALLACE PROPERTIES E O - J C
181032228252000	ROMANOVICK VUKOTA B & NADA
181032228250000	DANNER DAVID & RUTH
181032228249000	GRAY WILLIAM A
181032228247000	JERDE GERALD S
181032228246000	IMHOF SARAH
181032228245000	RITHMILLER GREGG
181032228244000	ANDERSON KURT
181032228243000	JERDE GERALD S & BARBARA L
181032228242010	JERDE AMANDA C
181032228043010	RACINE WATER UTILITY
181032228064000	CALVARY BAPTIST CHURCH OF STURTEVANT
181032228100001	HAGNER ANDREW & ANN
181032228100002	WALKER SIMON & MARILYN
181032228100003	BERANEK JOSEPH & JUANITA
181032228100004	KLINKOWITZ JAMES F & ANNE M
181032228100005	GODLEWSKI MONICA & JACOBS & JAIME
181032228100006	HAMMOND CORY A & ERIKA M
181032228100007	HARPE DEVELOPMENTS LLC
181032228100008	MATELSKI JASON B
181032228100009	MAKI DAVID H & LAURICE K
181032228100010	TIM O'BRIEN HOMES INC
181032228100011	HELTON CONSTANCE
181032228100012	MN HOLDINGS INC
181032228100013	MN HOLDINGS INC
181032228100014	MN HOLDINGS INC
181032228100015	KIRIAKI LISA Z
181032228100016	BALD SONDA
181032228100017	MAHMOUD, AMIR
181032228100018	NEUMANN HOMES OF WISCONSIN LLC
181032228100019	BURROWS THOMAS W & MARGARET M
181032228100020	GNADT CHRISTOPHER R & STEPHANI
181032228100021	JOHNSON FREDDIE L JR & PATRICI
181032228100022	PAAP CHRISTOPHER J & KATHLEEN
181032228100023	DEAN RAY E
181032228100024	NEUMANN HOMES OF WISCONSIN LLC
181032228100025	WAISS STEPHANIE J & SEAN A
181032228100026	HAUGK GERHARD & BRIGITTE
181032228100027	NEUMANN HOMES OF WISCONSIN LLC
181032228100028	NEUMANN HOMES OF WISCONSIN LLC
181032228100029	NEUMANN HOMES OF WISCONSIN LLC
181032228100030	DAWSON DENNIS & KARI
181032228100031	SIEGESMUND SCOTT
181032228100032	MN HOLDINGS INC

181032228100033	MN HOLDINGS INC
181032228100034	LYMAN DAVID & NICOLE
181032228100035	HARPE DEVELOPMENTS LLC
181032228100036	MN HOLDINGS INC
181032228100037	SIEKER RAYAN & AMANDA
181032228100038	MN HOLDINGS INC
181032228100039	MN HOLDINGS INC
181032228100040	HOMS MICHAEL T & AASEN ELYSE J
181032228100041	HUNTOON MARK R
181032228100042	PULDA MATT & ANDREA
181032228100043	MARX LUVERN & DAWN
181032228100044	GUSTAVESON HOMES INC
181032228100045	HANLEY DAMIEN & KOEPEL LYNETTE
181032228100046	NEUMANN HOMES OF WISCONSIN LLC
181032228100047	NEUMANN HOMES OF WISCONSIN LLC
181032228100048	NEUMANN HOMES OF WISCONSIN LLC
181032228100049	NEUMANN HOMES OF WISCONSIN LLC
181032228100050	NEUMANN HOMES OF WISCONSIN LLC
181032228100051	NEUMANN HOMES OF WISCONSIN LLC
181032228100052	NEUMANN HOMES OF WISCONSIN LLC
181032228100053	NEUMANN HOMES OF WISCONSIN LLC
181032228100054	NEUMANN HOMES OF WISCONSIN LLC
181032228100055	NEUMANN HOMES OF WISCONSIN LLC
181032228100056	NEUMANN HOMES OF WISCONSIN LLC
181032228100057	NEUMANN HOMES OF WISCONSIN LLC
181032228100058	BAHR DWAYNE S & ALISON R
181032228100059	FONK PATRICK M & WENDY
181032228100060	YOUNG MATTHEW S & KATHERINE D
181032228100061	MN HOLDINGS INC
181032228100062	LOVDAHL & ERICKSON JOHN W
181032228100063	TIM O'BRIEN HOMES INC
181032228100064	ELLINGSON ANTHONY J & KATHY A
181032228100065	NELSON BRAD T & KELLIE N
181032228100066	MN HOLDINGS INC
181032228100067	URSO STEVEN & JUDITH
181032228100068	KLOTZ EDWARD J & JILL A
181032228100069	TENNYSON MICHAEL A & STEPHANIE
181032228100070	NEWCOMB MICHAEL E & MINDY J
181032228100071	O'BRIEN MAUREEN A
181032228100072	WHITE VIRGINIA I & OERTEL SUSAN L
181032228100073	PEDERSEN KAREN
181032228100074	MASON ROSEMARY E
181032228100075	KELIPIO ISAAC K & JEAN V
181032228100076	VALENTIA DANIEL & GINGER
181032228100077	NEUMANN HOMES OF WISCONSIN LLC
181032228100078	NEUMANN HOMES OF WISCONSIN LLC
181032228100079	NEUMANN HOMES OF WISCONSIN LLC
181032228100080	NEUMANN HOMES OF WISCONSIN LLC
181032228100081	NEUMANN HOMES OF WISCONSIN LLC
181032228100082	COEY MARK
181032228100083	GLOUDEMANS & LAFAVE GAIL & JER
181032228100084	KOKLAMANIS ODESEA J & LAURA K
181032228100085	NEUMANN HOMES OF WISCONSIN LLC
181032228100086	NEUMANN HOMES OF WISCONSIN LLC
181032228100087	SCHOPEN ROBBY & CAROLYNE J
181032228100088	MICHELAU JOSEPH K & LYNN M

181032228100089	AMAYA, RUBEN G & ANGELA R
181032228100090	WOOD NICHOLAS D & DINA H
181032228100091	MURDOCH TONI E
181032228100092	THOTTUKANDATHIL HANS J & CORNE
181032228100093	DAVIS MICHAEL R & JENNIFER A
181032228100094	SORENSEN RICHARD S
181032228100095	REDMOND BOOKER T JR & CAROLYN
181032228100096	KLAUS SARAH LYNN
181032228100097	SORENSEN RICHARD S
181032228100098	WELCH PHILIP J & BRITTANY J
181032228100099	CHRISTENSEN CHRISTOPHER C & BO
181032228100100	NEUMANN HOMES OF WISCONSIN LLC
181032228100101	NEUMANN HOMES OF WISCONSIN LLC
181032228100102	NEUMANN HOMES OF WISCONSIN LLC
181032228100103	NEUMANN HOMES OF WISCONSIN LLC

Because the developer of the Chicory Creek subdivision previously admitted the benefit accruing to the entire subdivision from the contemplated Broadway Drive improvements, and also waived, on behalf of itself and its successors in interest, all procedural rights involved with the special assessment process, including any right to notice or hearing, and because notice of such benefit and waiver by the developer was duly recorded against all lots within the subdivision, parcels and owners within Chicory Creek are included in this Resolution and in the special assessment process strictly as a courtesy to lot owners. For information purposes, roadway assessments for Chicory Creek lots were calculated on a per lot basis based on 80% of ½ the cost of a typical local road 36 feet wide for the frontage of the subdivision along Broadway Drive and, similarly, storm sewer assessments were calculated on a per lot basis based on ½ the cost of the storm sewer along the frontage of the subdivision along Broadway Drive;

NOW, THEREFORE, BE IT RESOLVED:

1. That the report of the Village Engineer, as originally filed on May 5, 2009 and subsequently revised to reflect as-built information and such changes as were directed by the Village Board, pertaining to the construction of the above-described improvements, consisting of certain road re-construction, storm sewer, sidewalk and driveway approach work, and appurtenances thereto, to be performed by the Village of Sturtevant on Broadway Drive, including plans and specifications therefore and the schedule of assessments, which are on file with the Village Clerk, be and hereby are adopted and approved.

2. That, having consulted with the Village Engineer, having reviewed the Engineer's report, and having considered the road conditions in the Assessment District prior to the completion of the above-described improvements, the Village Board finds that the properties to be assessed will be benefited by the above-described improvements, including, without limitation: by realizing significantly improved roadway surface and aesthetic conditions, yielding a safer and more pleasant traveling experience and tending to increase property values; by experiencing improved roadway drainage from the addition of storm sewers, resulting in safer driving conditions; by experiencing safer and more pleasant pedestrian travel, owing to the addition of new sidewalks and driveway approaches; by realizing accelerated stormwater removal with the installation of new storm sewers, reducing the likelihood of periodic flooding and the problems it causes; by the construction of curbs, improving off-street parking conditions and protecting abutting lawns and landscaping from being damaged by parked cars; and by the striping of bike lanes onto the new roadway, making for safer and more pleasant recreation and bicycle transportation.

3. That such work or improvements described in said report be carried out in accordance with the report as finally approved herein.

4. That storm laterals were not assessed per Village ordinance Sec. 21.11(2)(c), enacted on or about March 17, 2009.

5. That payments for said improvements be made by assessing the cost to the properties benefited as indicated in the report of the Village Engineer.

6. That the assessments shown on the report represent an exercise of the police power, are true and correct, and have been determined on a reasonable basis by calculating the roadway assessment at 80% of a typical local road of 36 feet wide, and by including in the assessment the cost of the storm sewers that are essential to conveying drainage from the roadway, and are hereby confirmed.

7. That the properties to be assessed are generally uniform in shape and, therefore, that a “per front foot” assessment calculation was properly used, with the exception of with respect to the Chicory Creek parcels, which do not front on Broadway Drive but each of which equally benefits by improved access from Broadway Drive (currently one only two access points to the subdivision) and, therefore, each of which subdivision lots was assessed equally.

8. That the active assessments against any parcel may be combined and may be paid (1) in cash, interest free, on or before October 30, 2009, or (2) in 15 annual installments with interest thereon at the rate of 4.10% per annum from and after October 30, 2009, until the same is paid in full, or until the parcel is sold, in which case the remaining assessment balance is to be paid in full at the time of closing.

9. That the Village Clerk is directed to publish this resolution and the installment assessment notice as Class 1 notices under Ch. 985, Wis. Stats., in the assessment district as provided by law.

10. That the Village Clerk is further directed to mail a copy of this resolution, the installment assessment notice and a statement of the final assessment against the property to every property owner in the Assessment District whose name appears on the assessment roll whose post office address is known or can with reasonable diligence be ascertained.

Adopted by the Village Board of the Village of Sturtevant, Racine County, Wisconsin, this 6th day of October, 2009.

VILLAGE OF STURTEVANT

By: _____
Steven Jansen, President

Attest: _____
Mary A. Cole, Village Clerk

Published: 10/14/09

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