



**Meeting:** Village Board  
**Meeting Date:** 01/13/2014  
**Agenda Item:** 6d

**Mission Statement**

Delivering quality services in a courteous, cost-effective and efficient manner.

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## VILLAGE BOARD MEETING STAFF REPORT

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**REPORT TO:** Burt R. McIntyre, President  
Village Board of Trustees

**REPORT FROM:** Michael J Kaster, PE, Director of Engineering

**AGENDA ITEMS:** Review and Take Action on Final Resolution 2014-04 authorizing the levying of special assessments on Aerostar Lane and Shawano Avenue.

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### **POLICY ISSUE**

Should the Village Board levy special assessments against benefited property according to policy?

### **BACKGROUND INFORMATION**

The Village Board assessed for and constructed public improvements for the parent parcels of Ullmer Century Acres. These improvements were installed in 1992, and 2007, and there is a remaining balance due to the Village for said improvements in the amount of \$64,343.13.

This past September, the Village Board rescinded the special assessments for benefited properties on Aerostar Lane in an effort to facilitate development of the property. This allowed a developer to purchase the property and get a plat in place to provide both saleable lots, and a means for paying off the assessments.

The Village Board also approved a development agreement with the developer for the subdivision in September of 2013. The development agreement included a total assessment of \$73,757.75 for the unpaid assessment and a storm water management fee. The agreement includes definitive assessment terms including a maximum repayment term of 2 years with an interest rate of 4.00% beginning at the time the assessments are levied. The cost of improvements would be levied on each individual lot within the development and the Village would receive repayment as each lot is sold or transferred. The subdivision lots could be sold either as vacant lots or with homes constructed on the lots.

### **PRIOR ACTION/REVIEW**

The Village Board approved Resolution 2013-22, 2007-10, and 92-15.  
The Village Board approved Resolution 2013-26 rescinding the special assessments on 9/23/2013.  
The Village Board approved the development agreement on 9/23/2013.

**FINANCIAL INFORMATION**

**FISCAL IMPACT:**

- |                              |             |
|------------------------------|-------------|
| 1. Is There A Fiscal Impact? | <u>Yes</u>  |
| 2. Is it Currently Budgeted? | <u>No</u>   |
| 3. If Budgeted, Which Line?  | <u>N/A</u>  |
| 4. Amount:                   | \$73,757.75 |

**RECOMMENDED ACTION**

Village staff recommends that the Village Board approve the Resolution.

If the Village Board were in favor of this policy action, the following motion may be made:

***“Motion to approve resolution 2014-04 authorizing the levying of special assessments against benefited property on Aerostar Lane and Shawano Avenue”.***

**POLICY ALTERNATIVE(S)**

The Village Board could take the following actions:

- Approve resolution 2014-04 and the assessments
- Deny the resolution and assessments and decide how to proceed
- Make changes to the assessments or final resolution
- Table the resolution and request additional information

**ATTACHED INFORMATION**

- I. Final Plat.
- II. Assessment report and schedules
- III. Final Resolution
- IV. Development agreement and waiver of public hearing.









Water Services

Quantity	Unit	Description	Unit \$	Total
				\$0.00
				\$0.00
				\$0.00
				\$0.00
		Sub-Total		\$0.00
		Contingencies 10%		\$0.00
		Design Engineering 7%		\$0.00
		Resident Engineering, Surveying & Testing 14.75%		\$0.00
		<b>Total Water Service Cost</b>		<b>\$0.00</b>

Storm Sewer Laterals

Quantity	Unit	Description	Unit \$	Total
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
		Sub-Total		\$0.00
		Contingencies 10%		\$0.00
		Design Engineering 7%		\$0.00
		Resident Engineering, Surveying & Testing 14.75%		\$0.00
		<b>Total Storm Service Cost</b>		<b>\$0.00</b>

#### IV. Assessment Report

##### Total Assessable Frontage & Areas

Sanitary Sewer	1062.38	L.F.
Sanitary Sewer Laterals	0.00	E.A.
Watermain	1062.38	L.F.
Watermain Services	0.00	E.A.
Storm Sewer	1062.38	L.F.
Storm Sewer Laterals	0.00	E.A.
Street Construction	1062.38	L.F.
Driveway	0.00	S.F.
Sidewalk	1062.38	L.F.
Lighting, Utility, Trees	926.13	L.F.

##### Assessment Rates

###### Sanitary Sewer:

Est. Sanitary Sewer Cost	\$18,622.72
Less Oversize Cost	\$0.00
Less Lateral Cost Adjustment	\$0.00
Total Assessable Costs	<u>\$18,622.72</u>
Rate per Linear Foot	\$17.53

###### Sanitary Sewer Laterals:

Est. Sanitary Sewer Laterals Cost	\$0.00
Rate Per Lateral	\$0.00

###### Watermain:

Est. Watermain Cost	\$17,914.86
Less Lateral Cost Adjustment	\$0.00
Total Assessable Costs	<u>\$17,914.86</u>
Rate per Linear Foot	\$16.86

###### Watermain Services:

Est. Watermain Services Cost	\$0.00
Rate Per Lateral	\$0.00

###### Storm Sewer:

Est. Storm Sewer Cost	\$7,775.50
Less Lateral Cost Adjustment	\$0.00
Total Assessable Costs	<u>\$7,775.50</u>
Rate per Linear Foot	\$7.32

###### Storm Sewer Laterals:

Est. Storm Sewer Laterals Cost	\$0.00
Rate Per Lateral	\$0.00

###### Road Construction:

Est. Road Cost	\$29,444.67
Rate per Linear Foot	\$27.72
Village of Howard 50% cost share / foot	\$0.00
Assessable 50% cost share / foot	\$0.00

###### Lighting/Utility/Trees:

Est. Lighting/Utility/Tree Cost	\$0.00
Rate per Linear Foot	\$0.00

###### Driveway:

Est. Driveway Cost	\$0.00
Rate/Square Foot	\$0.00
Village of Howard 50% cost share / foot	\$0.00
Assessable 50% cost share / foot	\$0.00

###### Sidewalk:

Est. Sidewalk Cost	\$0.00
Rate per Linear Foot	\$0.00

V. Financing Summary

<u>Total Project Costs:</u>			
Sanitary Sewer			\$18,622.72
Watermain			\$17,914.86
Storm Sewer			\$7,775.50
Road			\$29,444.67
Lighting/Utility/Trees			\$0.00
Driveway			\$0.00
Sidewalk			\$0.00
Interceptor charges			\$0.00
<b>Total Project Cost</b>			<b>\$73,757.75</b>
<u>Total Assessment Financing:</u>			
Sanitary Sewer Mains	1062.38 L.F @	\$17.53	\$18,622.72
Sanitary Sewer Laterals	0.00 E.A. @	\$0.00	\$0.00
Watermain	1062.38 L.F @	\$16.86	\$17,914.86
Water Services	0.00 E.A. @	\$0.00	\$0.00
Storm Sewer Mains	1062.38 L.F @	\$7.32	\$7,775.50
Storm Sewer Laterals	0.00 E.A. @	\$0.00	\$0.00
Road	1062.38 L.F @	\$27.72	\$29,444.67
Lighting/Utility/Trees	1062.38 L.F @	\$0.00	\$0.00
Driveway	0.00 S.F. @	\$0.00	\$0.00
Sidewalk	1062.38 L.F. @	\$0.00	\$0.00
Interceptor Acreage	0.00 Acres @	\$175.00	\$0.00
<b>ASSESSABLE PROJECT COSTS</b>			<b>\$73,757.75</b>
<u>Village Cost Sharing Contribution</u>			
	Oversized Sanitary Sewer		\$0.00
			\$0.00
<b>Other Funding Sources</b>			<b>\$0.00</b>
<b>TOTAL FINANCING</b>			<b>\$73,757.75</b>

**SCHEDULE "C" FOR PUBLIC HEARING ON SPECIAL ASSESSMENTS  
 REPORT TO THE VILLAGE OF HOWARD, WISCONSIN, ON .....**

VILLAGE OF HOWARD PARCEL OWNER PARCEL # (ie. VH - .... )	PARCEL ADDRESS	MAILING ADDRESS	TOTAL SAN. SEWER CHARGES	TOTAL WATERMAIN CHARGES	TOTAL STORM SEWER CHARGES	TOTAL SIDEWALK CHARGES	TOTAL ROADWAY CHARGES	TOTAL CHARGES	
VH-477-3	PATIM DEVELOPMENT LLC	AEROSTAR LANE	1317 LOMBARDI ACCESS RD GREEN BAY WI 54304-4016	\$16,234.36	\$15,617.28	\$6,778.29	\$0.00	\$25,668.40	\$64,298.33 ♦
VH-478-9	PATIM DEVELOPMENT LLC	AEROSTAR LANE	1317 LOMBARDI ACCESS RD GREEN BAY WI 54304-4016	\$2,388.36	\$2,297.58	\$997.21	\$0.00	\$3,776.27	\$9,459.42 ♦
<b>TOTALS</b>				\$18,622.72	\$17,914.86	\$7,775.50	\$0.00	\$29,444.67	\$73,757.75

♦Assessment Type G - Paid by development agreement\*  
 \* see final resolution for additional terms

**SUMMARY PAGE**

**SCHEDULE "C" FOR PUBLIC HEARING ON SPECIAL ASSESSMENTS**

**REPORT TO THE VILLAGE OF HOWARD, WISCONSIN, ON .....**

VILLAGE OF HOWARD	PARCEL OWNER	SANITARY SEWER FRONTAGE		SANITARY SEWER	SANITARY SEWER	SANITARY SEWER	INTERCEPTOR	INTERCEPTOR	TOTAL SANITARY
PARCEL #		FRONTAGE CREDITS	ASSESSABLE	CHARGE, PER LINEAL FOOT	LATERALS, NUMBER	LATERAL CHARGE, EA.	ACREAGE	ACREAGE CHARGE	SEWER CHARGES
(ie. VH - ..... )		(L.F.)	FRONTAGE, (L.F.)	\$17.53	INSTALLED	\$0.00	(AC.)	\$175.00	
VH-477-3	PATIM DEVELOPMENT LLC	926.13	926.13	\$16,234.36	0	\$0.00	0	\$0.00	\$16,234.36
VH-478-9	PATIM DEVELOPMENT LLC	136.25	136.25	\$2,388.36	0	\$0.00	0	\$0.00	\$2,388.36
<b>TOTALS</b>		<b>1062.38</b>	<b>0.00</b>	<b>1062.38</b>	<b>0.00</b>	<b>\$0.00</b>	<b>0.00</b>	<b>\$0.00</b>	<b>\$18,622.72</b>

! WETLANDS & FRONTAGE IMPROVEMENTS PREVIOUSLY PAID FOR BY ASSESSMENT  
 ~FLOODWAY ^ ADDITIONAL FOOTAGE CHARGE  
 \* SECOND SIDE CREDIT > FOOTAGE APPLIED TO ^  
 < UNDIVIDABLE HARDSHIP

**SCHEDULE "C" FOR PUBLIC HEARING ON SPECIAL ASSESSMENTS**

**REPORT TO THE VILLAGE OF HOWARD, WISCONSIN, ON .....**

VILLAGE OF HOWARD	PARCEL OWNER	WATERMAIN FRONTAGE		ASSESSABLE FRONTAGE, (L.F.)	WATERMAIN CHARGE, PER LINEAL FOOT	WATERMAIN SERVICES, NUMBER INSTALLED	WATERMAIN SERVICE CHARGE, EA.	TOTAL WATERMAIN CHARGES
PARCEL #		FRONTAGE CREDITS (L.F.)	(L.F.)		\$16.86		\$0.00	
VH-477-3	PATIM DEVELOPMENT LLC	926.13		926.13	\$15,617.28	36	\$0.00	\$15,617.28
VH-478-9	PATIM DEVELOPMENT LLC	136.25	0.00	136.25	\$2,297.58	0	\$0.00	\$2,297.58
<b>TOTALS</b>		<b>1062.38</b>	<b>0.00</b>	<b>1062.38</b>	<b>\$17,914.86</b>	<b>36.00</b>	<b>\$0.00</b>	<b>\$17,914.86</b>

! WETLANDS & FRONTAGE IMPROVEMENTS PREVIOUSLY PAID FOR BY ASSESSMENT  
 ~FLOODWAY ^ ADDITIONAL FOOTAGE CHARGE  
 \* SECOND SIDE CREDIT > FOOTAGE APPLIED TO ^  
 < UNDIVIDABLE HARDSHIP

**SCHEDULE "C" FOR PUBLIC HEARING ON SPECIAL ASSESSMENTS**

**REPORT TO THE VILLAGE OF HOWARD, WISCONSIN, ON .....**

VILLAGE OF HOWARD PARCEL OWNER	STORM SEWER FRONTAGE		STORM SEWER	STORM SEWER	STORM SEWER	TOTAL STORM
PARCEL # (ie. VH - ..... )	FRONTAGE CREDITS (L.F.)	ASSESSABLE FRONTAGE, (L.F.)	CHARGE, PER LINEAL FOOT \$7.32	LATERALS, NUMBER INSTALLED	LATERAL CHARGE, EA. \$0.00	SEWER CHARGES
VH-477-3      PATIM DEVELOPMENT LLC	926.13	926.13	\$6,778.29	36	\$0.00	\$6,778.29
VH-478-9      PATIM DEVELOPMENT LLC	136.25	0.00	\$997.21	0	\$0.00	\$997.21
<b>TOTALS</b>	<b>1062.38</b>	<b>0.00</b>	<b>\$7,775.50</b>	<b>36.00</b>	<b>\$0.00</b>	<b>\$7,775.50</b>

! WETLANDS & FRONTAGE IMPROVEMENTS PREVIOUSLY PAID FOR BY ASSESSMENT  
 ~FLOODWAY ^ ADDITIONAL FOOTAGE CHARGE  
 \* SECOND SIDE CREDIT > FOOTAGE APPLIED TO ^  
 < UNDIVIDABLE HARDSHIP

**SCHEDULE "C" FOR PUBLIC HEARING ON SPECIAL ASSESSMENTS  
 REPORT TO THE VILLAGE OF HOWARD, WISCONSIN, ON .....**

VILLAGE OF HOWARD PARCEL OWNER PARCEL # (ie. VH - ..... )	PARCEL OWNER	SIDEWALK FRONTAGE		ASSESSABLE FRONTAGE, (L.F.)	SIDEWALK CHARGE, PER LINEAL FOOT \$0.00	TOTAL SIDEWALK CHARGES
		FRONTAGE CREDITS (L.F.)	(L.F.)			
VH-477-3	PATIM DEVELOPMENT LLC	926.13		926.13	\$0.00	\$0.00
VH-478-9	PATIM DEVELOPMENT LLC	136.25	0.00	136.25	\$0.00	\$0.00
<b>TOTALS</b>		1062.38	0.00	1062.38	\$0.00	\$0.00

! WETLANDS & FRONTAGE IMPROVEMENTS PREVIOUSLY PAID FOR BY ASSESSMENT  
 ~FLOODWAY ^ ADDITIONAL FOOTAGE CHARGE  
 \* SECOND SIDE CREDIT > FOOTAGE APPLIED TO ^  
 < UNDIVIDABLE HARDSHIP

**SCHEDULE "C" FOR PUBLIC HEARING ON SPECIAL ASSESSMENTS  
 REPORT TO THE VILLAGE OF HOWARD, WISCONSIN, ON .....**

VILLAGE OF HOWARD PARCEL # (ie. VH - ..... )	PARCEL OWNER	ROADWAY FRONTAGE		ASSESSABLE FRONTAGE, (L.F.)	ROADWAY CHARGE, PER LINEAL FOOT \$27.72	LIGHTING, UTILITY, AND TREES INSTALLED	CHARGE, PER L.F. \$0.00	TOTAL ROADWAY CHARGES
		FRONTAGE CREDITS (L.F.)	(L.F.)					
VH-477-3	PATIM DEVELOPMENT LLC	926.13		926.13	\$25,668.40		\$0.00	\$25,668.40
VH-478-9	PATIM DEVELOPMENT LLC	136.25	0.00	136.25	\$3,776.27		\$0.00	\$3,776.27
<b>TOTALS</b>		1062.38	0.00	1062.38	\$29,444.67	0.00	\$0.00	\$29,444.67

! WETLANDS & FRONTAGE IMPROVEMENTS PREVIOUSLY PAID FOR BY ASSESSMENT  
 ~FLOODWAY ^ ADDITIONAL FOOTAGE CHARGE  
 \* SECOND SIDE CREDIT > FOOTAGE APPLIED TO ^  
 < UNDIVIDABLE HARDSHIP

FINAL RESOLUTION AUTHORIZING  
LEVYING OF SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY  
FOR SANITARY SEWER, STORM SEWER, WATER MAIN, SERVICE LATERALS,  
SIDEWALKS, CURB AND GUTTER, ASPHALT ROADWAY, PUBLIC UTILITIES AND  
LIGHTING, AND STORM WATER MANAGEMENT FACILITY CONSTRUCTION.

WHEREAS, the Village Board for the Village of Howard, Brown County, Wisconsin, received an agreement waiving notice and agreeing to special assessments, and the report of the Village Engineer on the proposed improvement, construction, and installation of sanitary sewer & laterals, and water services. The areas to be assessed shall be:

- A. The westerly and easterly sides of Aerostar Lane, beginning at the intersection with Shawano Avenue, continuing northerly along Aerostar Lane approximately 330 feet, to the northern boundary of the Plat of Ullmer Century Acres, for sanitary sewer, storm sewer, water main, service laterals, sidewalks, curb and gutter, asphalt roadway, and storm water management facility including:

Parcel VH – 477-3

Parcel VH – 478-9

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Howard, Brown County, Wisconsin, as follows:

- (1) That the report of the Village Engineer and/or consulting engineers pertaining to the construction of the above described public improvements for installation of sanitary sewer and laterals, and water services, including plans and specifications therefore, is adopted and approved.
- (2) The Village engineer is authorized to carry out construction and installation in accordance with the Engineer's Report.
- (3) That payment for the improvements shall be made by assessing the costs there of against the above described benefited properties as indicated in the Engineer's Report. These properties make up the Plat of Ullmer Century Acres, and payments will be made upon sale of a lot in the plat at a proportion of number of lots sold divided by total number of lots.
- (4) That the Village Board, based in its view of the property and its review of such report determines that the above-described properties are benefited by such public improvements and that the benefits and amounts assessed against each parcel on the

basis shown in the report, representing an exercise of the police power, are determined to be on a reasonable basis and are hereby confirmed and approved.

(5) Financing and Payments:

(A) **Type G Payment Plan**

- i. Special assessments levied against properties as set forth in the Schedule C of the Engineer's Report denoted as "assessment Type G" shall allow deferred payment with bearing interest, at the rate of 4.00% annually until such time that any of the following events occur:
    1. The property is sold or transferred.
    2. Upon the expiration of two (2) years from the date of special assessment approval.
  - ii. At the time events "1" or "2" occur, the balance of principal, late fees, and penalties, including accrued interest, shall be immediately due and payable in full. Where owners of affected property have not paid the amount due within 30 days, such unpaid amounts shall bear interest on the unpaid balance at the rate of 18% annually including late fees, and penalties.
- (6) Installment Notice: Notice is hereby given that a contract has been or is about to be let for the above described the improvement and that the amount of the special assessment for the improvement has been determined as to each parcel of real estate affected and a statement of the assessment is on file with the Village Clerk; it is proposed that some of the assessments as described above may be paid in installments, as provided for by section 66.0715 of the Wisconsin Statutes, with interest as described above; that all assessments eligible for installments will be collected in installments as provided above except assessments on property where the owner files with the Village Clerk within 30 days from date of this notice a written notice that the owner elects to pay the special assessment on the owner's property, describing the property, to the Village Treasurer on or before the following November 1, unless the election is revoked. If, after making the election, the property owner fails to make the payment to the Village Treasurer, the entire assessment shall be placed on the following tax roll.
- (7) The total amount assessed against benefited properties shall not exceed the total cost of the improvements.
- (8) That the Village Clerk of the Village of Howard is directed to publish this resolution as a Class I Notice and is further directed to mail a copy of this resolution and a statement of the Final Assessment against the benefited property to every property owner whose name appears on the assessment roll whose post office address is known or can, with reasonable diligence be ascertained.
- (9) If any section, sentence, or clause of this Resolution or any Special Assessment set forth or referenced herein shall be declared invalid for any reasons whatsoever, such

decision shall not affect the remaining sections or assessments approved herein, which shall remain in full force and effect.

- (10) This Resolution shall remain in full force and effect from and after its passage and publication according to law.

Adopted by the Village Board of the Village of Howard, Wisconsin this 13<sup>th</sup> day of January 2014.

VILLAGE OF HOWARD

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Burt R McIntyre, Village President

ATTEST:

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Christopher Haltom, Village Clerk

Published: 01 | 17 | 14

DOCUMENT NO.

**SUBDIVISION DEVELOPMENT  
AGREEMENT AND  
AGREEMENT WAIVING  
NOTICE AND AGREEING TO  
SPECIAL ASSESSMENTS FOR  
PUBLIC IMPROVEMENTS**

THIS AGREEMENT, made and entered into this 24 day of September, 2013, by and between the **Village of Howard**, a Wisconsin municipal corporation (“Village”), **PATIM Development, LLC** (“Developer”), owning property in the Plat of Ullmer Century Acres in the Village of Howard, and **Patricia A. Kaster and Timothy Halbrook**, adult individuals and managing members of PATIM Development, LLC.

Return to:  
Dennis M. Duffy  
P.O. Box 488  
Green Bay, WI 54305-0488

Parcel Nos. VH-477-3 & VH-478-9

WHEREAS, Developer has subdivide property it owns in the Village of Howard known as the Plat of Ullmer Century Acres into eight (8) lots; and

WHEREAS, the Village has constructed public improvements consisting of public street, water, sanitary sewer, storm sewer and curb and gutter to serve and benefit the eight (8) lots in the Plat of Ullmer Century Acres. A copy of the Plat of Ullmer Century Acres is attached hereto as Exhibit A and incorporated herein by reference. A copy of the recorded Plat will become Exhibit B to this Agreement and incorporated herein by reference.

WHEREAS, pursuant to Chapter 32, Article V. – Public Improvements and Assessments, Howard Municipal Code, and the Village of Howard’s Policy for

Determining Special Assessments, Developer has requested that the Village construct such improvements and specially assess the benefiting parcels for the costs thereof; and

WHEREAS, under Chapter 32, Article V. – Public Improvements and Assessments, Howard Municipal Code, the Village of Howard’s Policy for Determining Special Assessments, the Village Board has the discretion to authorize construction of public improvements to be paid for by special assessment when the property owner does not file a letter of credit for payment of such improvements and the Village Board determines it to be in the public interest to construct such improvements; and

WHEREAS, due to poor economic conditions and an unwillingness in lending institutions to advance letters of credit for private development, Developer is unable to obtain appropriate financing to enable it to file a letter of credit for the aforementioned public improvements; and

WHEREAS, the economic climate has fostered a market for those who seek to purchase mid-priced homes, providing the opportunity for residential development within the Village; and

WHEREAS, the Developer and Village believe that it is in their mutual best interests and in the public interests of the Village of Howard to approve such public improvement construction along the terms and conditions provided herein.

NOW, THEREFORE, the parties hereto, based on the recitals stated above and for such other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby agree as follows:

1. Upon the Developer recording the Plat of Ullmer Century Acres (Exhibit B), the Village Board of the Village of Howard will approve Resolution No. 2013-29, Final Resolution Authorizing the Levying of

Special Assessments Against Benefitted Property for Public Improvements, Lots 1 thru 8, in the Plat of Ullmer Century Acres.

The purpose of the Special Assessment in addition to Developer's Personal Guarantee, are to guarantee payment by the Developer to the Village for the payment of those costs for public improvements (\$73,757.75) and accrued interest of 4% per annum as the same will be allocated and become due and owing upon sale or transfer of any lot (Lots 1 thru 8), Plat of Ullmer Century Acres.

2. Developer's payment of Seventy-Three Thousand Seven Hundred Fifty-Seven dollars and 75/100 (\$73,757.75) and accrued interest of 4% per annum for the public improvements shall be made as follows:

a. The assessments hereby levied for such improvements shall be paid to the Village as upon sale or transfer of any lot (Lot 1 thru 8), Plat of Ullmer Century Acres; and

b. Developer shall also execute a Personal Guarantee guaranteeing the repayment of the public improvement costs (\$73,757.75) to the Village plus any accrued interest, charges or penalties on the liens of special assessment or the remaining balance thereon as reduced by paid special assessments to the Village, upon the expiration of two (2) years from the date of the Final Resolution. A copy of the Personal Guarantee is attached hereto and made part of this Agreement as Exhibit C.

3. Developer, on its own and on behalf of any and all successors and assigns, has requested the installation of the public improvements specifically provided for in this Agreement.

4. Developer, on its own behalf and on behalf of any and all successors and assigns, freely and voluntarily waives any right it may have under state or local laws to notice of such street, sanitary sewer, water, stormwater and curb and gutter improvement construction affecting the property legally described in this Agreement, such property hereinafter be referred to as "the benefitted properties".

5. The method of determining the assessment rate is reasonable.

6. The subject property will receive special benefit as a result of public improvements constructed under this Agreement.

7. Developer waives any and all right or recourse it may have, through State or Federal Court pursuant to Wis. Stats. §66.0703, or otherwise to challenge the assessment agreed to in this agreement, it being the desire of Developer, to be placed in the same position as if they had been fully and adequately noticed of the procedures pertaining to the assessment for the reconstruction activity.

8. The Village shall act in reliance upon the representations of Developer in this agreement and shall commence as soon as it is reasonably possible the improvements contemplated by this agreement.

9. This Agreement may be recorded in the office of the Brown County Register of Deeds.

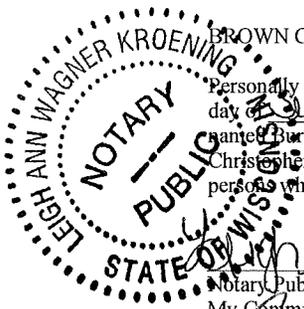
Dated in Howard, Wisconsin, this 24<sup>th</sup> day of September, 2013.

**VILLAGE OF HOWARD**  
Burt R. McIntyre  
Burt R. McIntyre, President  
Christopher A. Haltom  
Christopher A. Haltom, Clerk

**PATIM DEVELOPMENT, LLC**  
Patricia A. Kaster  
Patricia A. Kaster, Managing Member  
Timothy Halbrook  
Timothy Halbrook, Managing Member

STATE OF WISCONSIN)  
  )SS.  
BROWN COUNTY            )

STATE OF WISCONSIN)  
  )SS.  
BROWN COUNTY            )



Personally came before me this 24<sup>th</sup> day of September, 2013, the above named Burt R. McIntyre, President and Christopher A. Haltom, Clerk, known as the persons who executed the foregoing instrument

Personally came before me this 24<sup>th</sup> day of September, 2013, the above named Patricia A. Kaster, Managing Member and Timothy Halbrook, Managing Member, known as the persons who executed the foregoing instrument

Leigh Ann Wagner Kroening  
Notary Public: 7/5/15  
My Commission Expires:  
Patricia A. Kaster  
Patricia A. Kaster, Individually

Billie G. Kasper  
Notary Public: Billie G. Kasper  
My Commission Expires:  
Timothy Halbrook  
Timothy Halbrook, Individually

STATE OF WISCONSIN)  
  )SS.  
BROWN COUNTY            )

Personally came before me this 24<sup>th</sup> day of September, 2013, the above named Patricia Kaster, Individually and Timothy Halbrook, Individually, known as the persons who executed the foregoing instrument and acknowledge the same.

Billie G. Kasper  
Notary Public: Billie G. Kasper  
My Commission Expires: 7/5/15

Drafted by: Attorney Dennis M. Duffy

**EXHIBIT C TO SUBDIVISION DEVELOPMENT AGREEMENT AND  
AGREEMENT WAIVING NOTICE AND AGREEING  
TO SPECIAL ASSESSMENTS FOR PUBLIC IMPROVEMENTS**

**PERSONAL GUARANTEE**

1. GUARANTEE. For value received, and to induce the Village of Howard (Village) to extend credit to PATIM Development, LLC, a Wisconsin Limited Liability Company, (Developer) for the installation of public improvements benefiting property owned by Developer, Plat of Ullmer Century Acres in the Village of Howard, Brown County, Wisconsin, Patricia Kaster and Timothy Halbrook as individuals and in their capacity as Managing Members of PATIM Development, LLC (hereinafter "the undersigned") guarantees payment of and promises to pay or cause to be paid to Village, when due and as described herein, or to the extent not prohibited by law, at the time Developer becomes a subject of bankruptcy or other insolvency proceedings the total construction costs incurred by Village in constructing the public improvements for the Plat of Ullmer Century Acres which would include all liens of special assessments and any accrued interest and charges thereon for Developer's property as provided in the Final Resolution for the Plat of Ullmer Century Acres.

Such public improvements cost \$73,757.75, for which the undersigned agrees to repay, plus interest charges and fees as provided for in the Agreement and as special assessments as provided in the Final Resolution 2013-29 for the Plat of Ullmer Century Acres and any extensions, renewals, and deferrals thereof, and also including the amount of any payments made to Village on behalf of Developer which are recovered from Village by a trustee, receiver, creditor, or other party pursuant to applicable law (the obligations) and to the extent not prohibited by law, all costs, expenses, fees, at any time paid or incurred in endeavoring to collect all or part of the obligations or to realize upon this guarantee or any collateral securing any

obligation. To the extent not prohibited by law, this guarantee is valid and enforceable against the undersigned, as individuals, even though any obligation is invalid and unenforceable against Developers.

2. TIMING OF REPAYMENT. Repayment as guaranteed herein, shall be made over a two (2) period, which period shall commence with the date that the Village Board approves the Final Resolution for the Plat of Ullmer Century Acres as follows:

- A. Upon the sale or transfer of any lot in the Plat of Ullmer Century Acres, the special assessment lien on the property and accrued interest shall be paid to the Village. The total costs of the special assessments as levied on Schedule C of the Final Resolution shall be reduced by the amount of the special assessments paid during the two (2) year period.
- B. At the expiration of the two (2) year period, the entire unpaid balance of special assessments including accrued interest levied against the lots in the Plat of Ullmer Century Acres shall be immediately due and payable in full by the undersigned to the Village.

3. REPRESENTATIONS. The undersigned acknowledges and agree that Village has not made any representations or warranties with respect to, does not assume any responsibility to the undersigned for, and has no duty to provide information to the undersigned regarding the collectability or enforceability of any of the obligations of this Agreement. The undersigned has independently determined the collectability and enforceability of the obligations and, until the obligations are paid in full, will independently, and without reliance on Village, continue to make such determinations.

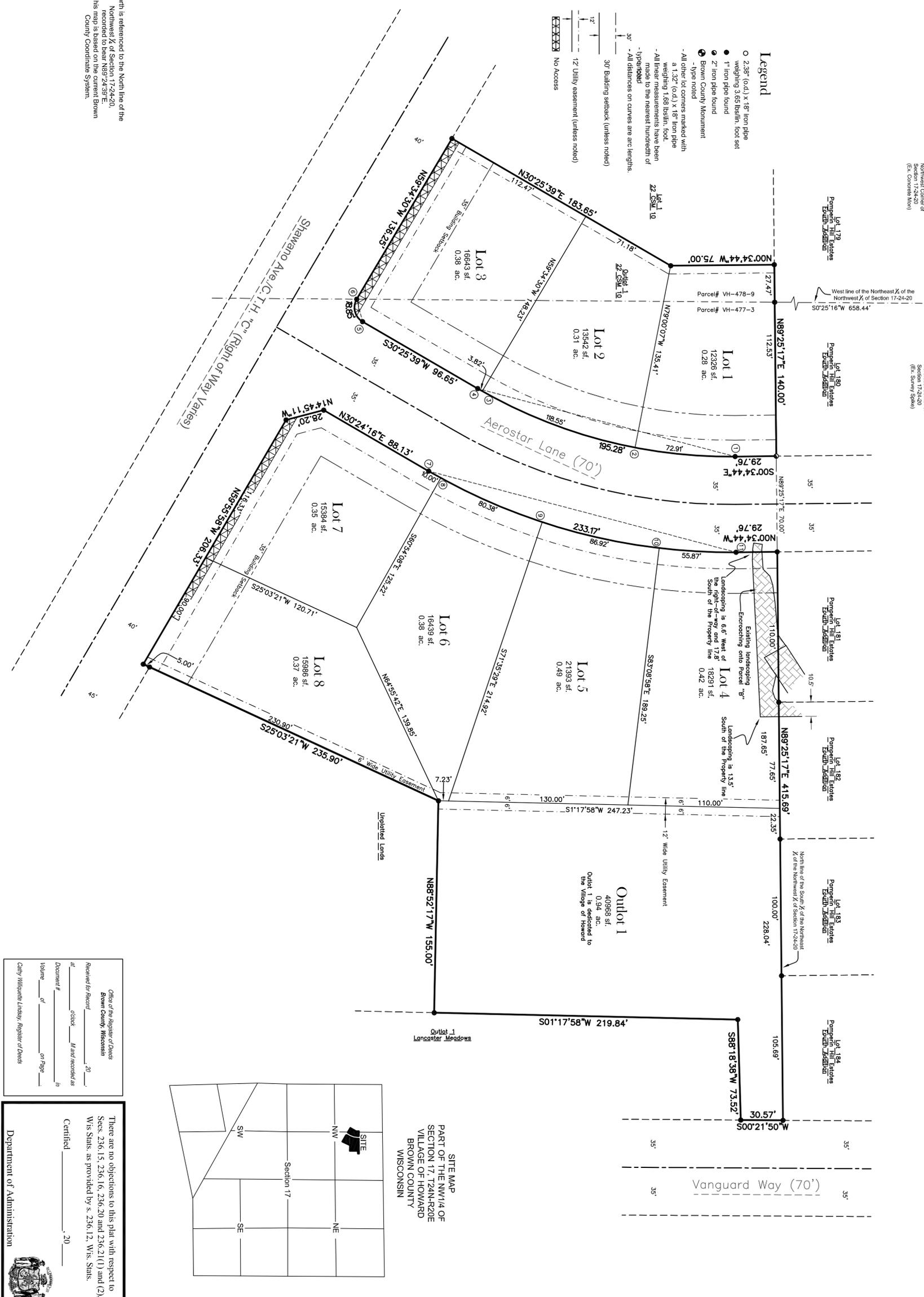






# Ulmer Century Acres

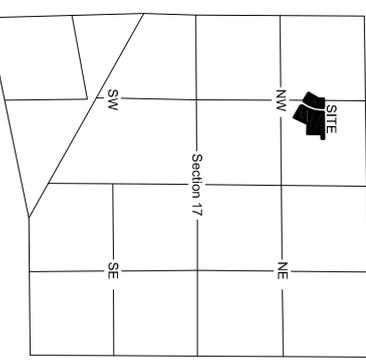
All of Outlot 1 of Volume 22, Certified Survey Maps, Page 10, Map Number 3772,  
 Document Number 1193501, Brown County Records, and part of the Northeast 1/4 of the  
 Northwest 1/4, located in the Northwest 1/4 of Section 17, Township 24 North, Range 20 East,  
 Village of Howard, Brown County, Wisconsin.



North is referenced to the North line of the Northwest 1/4 of Section 17-24-20. As shown on the plat, this map is based on the current Brown County Coordinate System.

Office of the Register/Deeds  
 Brown County Wisconsin  
 Received for Record \_\_\_\_\_ 20\_\_\_\_  
 at \_\_\_\_\_ o'clock \_\_\_\_\_ M and recorded as  
 Document # \_\_\_\_\_ on Page \_\_\_\_\_  
 Volume \_\_\_\_\_ of \_\_\_\_\_

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.  
 Certified \_\_\_\_\_, 20\_\_\_\_  
 Department of Administration



DATE: 8-23-13 DRAFTED BY: ASC CHECKED BY: BUL PROJECT#: 0633-02-13 SCALE: 1"=40' SHEET NUMBER <b>1 OF 2</b> DRAWING NUMBER <b>853</b>		River City Realtors <b>Final Plat</b> Parcel Number: VH-477-3 & VH-478-9	<b>Mach IV</b> Engineering & Surveying LLC 211 N. Broadway, Suite 114, Green Bay, WI 54303 PH: 920-569-5765 Fax: 920-569-5767
NO.	REVISION DESCRIPTION		

