



**Meeting:** Village Board  
**Meeting Date:** 07/09/12  
**Agenda Item:** 6c

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

## 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 2012-15 authorizing the levying of special assessments on Spencer's Crossing 1<sup>st</sup> Addition.

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### **POLICY ISSUE**

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

### **BACKGROUND INFORMATION**

The Village Board approved preliminary resolution 2011-23 on September 26, 2011 declaring the intent to levy special assessments. In accordance with the resolution, staff prepared plans, specifications, estimates, and a schedule of assessments in accordance with Village Policy and State Statutes. The Village Board held a public hearing for the final resolution on April 23, 2012.

The project includes 13 residential lots and park improvement. Park improvements include the construction of an access drive, five-car parking lot, and fencing along the newly created lots.

The Development Agreement includes definitive assessment terms including a maximum repayment term of 3 years with an interest rate of 6.25% 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.

Property owners that would be assessed were informed about the public hearing at the April 23, 2012 Village Board meeting.

### **PRIOR ACTION/REVIEW**

- June 13, 2011: The Village Board modified the assessment policy (see attached) to include an option for public financing of residential subdivisions.
- September 26, 2011: The Village Board approved the Preliminary Resolution for Special Assessments.
- April 23, 2012: The Village Board held a Public Hearing for the Final Resolution for Special Assessments and approved the Development Agreement.

**FINANCIAL INFORMATION**

**FISCAL IMPACT:**

- |   |                        |
|---|------------------------|
| 1. Is There A Fiscal Impact?                        | <u>Yes</u>             |
| 2. Is it Currently Budgeted?                        | <u>Yes</u>             |
| 3. If Budgeted, Which Line?<br>- Developer Projects | <u>Capital Project</u> |

**RECOMMENDED ACTION**

Village staff recommends that the Village Board approve the final resolution.

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

***“Motion to approve Resolution 2012-15 Final Resolution Authorizing Levying of Special Assessments on Spencer’s Crossing 1<sup>st</sup> Addition.*”**

**POLICY ALTERNATIVE(S)**

The Village Board could take the following actions:

- Approve Resolution 2012-15
- Deny the resolution and decide how to proceed
- Table the resolution and request additional information

**ATTACHED INFORMATION**

- I. Plat of Spencers Crossing First Addition
- II. Resolution 2012-15

*(Recorded plat will be handed out at the meeting.)*

RESOLUTION NO. 2012 - 15

FINAL RESOLUTION AUTHORIZING  
LEVYING OF SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY  
FOR SANITARY SEWER & LATERALS, WATERMAIN & SERVICES,  
STORM SEWER & LATERALS, STORM WATER MANAGEMENT FACILITIES,  
DRIVEWAYS, SIDEWALKS, CURB & GUTTER,  
AND ROADWAY RECONSTRUCTION  
ON SPENCER'S CROSSING

WHEREAS, the Village Board for the Village of Howard, Brown County, Wisconsin, held a public Hearing at 6:35 p.m. on the 23<sup>rd</sup> day of April, 2012, for the purpose of hearing all interested persons concerning the Preliminary Resolution and the report of the Village Engineer on the proposed improvement, construction, and installation of sanitary sewer & laterals, watermain & services, storm sewer & laterals, storm water management facilities, driveways, sidewalk, curb & gutter, and roadway reconstruction. The areas to be assessed shall be:

A. The easterly and westerly sides of Spencers Crossing, beginning approximately 500 feet northerly of Gaibrelles Gate, continuing northerly along Spencers Crossing approximately 695 feet for sanitary sewer and laterals, watermain and services, storm sewer and laterals, storm water management facilities, driveways, sidewalk, curb and gutter, and roadway construction including:

Parcel VH – 2979  
Parcel VH - 2980  
Parcel VH – 2981  
Parcel VH – 2982  
Parcel VH – 2983

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, watermain and services, storm sewer and laterals, storm water management facilities, driveways, sidewalk, curb and gutter, and roadway reconstruction, 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 thereof against the above described benefited properties as indicated in the Engineer's Report.
- (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 accrued interest, at the rate of 6.25% annually, from the date of the Final Resolution, until such time that any of the following events occur:
      1. The property is sold or transferred.
      2. Upon the expiration of three (3) 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) The total amount assessed against benefited properties shall not exceed the total cost of the improvements.
- (7) 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.
- (8) 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.
- (9) 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 23<sup>rd</sup> day of April, 2012.

VILLAGE OF HOWARD

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Burt R McIntyre, Village President

ATTEST:

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Paul Evert, Village Administrator

Published: 07 | 13 | 12