

RESOLUTION NO. 2017-05

**TOWN OF YORKVILLE
RACINE COUNTY, WISCONSIN**

**PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL
ASSESSMENT POWERS UNDER SECTION 66.0703, WISCONSIN STATUTES, FOR
STORM WATER IMPROVEMENTS ON PARCEL NO. 018032120020001, WITH
ADDRESS OF 19031 SPRING STREET, FOR THE BENEFIT OF VARIOUS
PROPERTIES IN THE IMMEDIATE VICINITY LOCATED IN THE TOWN OF
YORKVILLE, RACINE COUNTY, WISCONSIN**

The Town Board of the Town of Yorkville, Racine County, Wisconsin, resolves as follows:

Recitals

1. In 1999, the Town undertook a public project to install a storm sewer system allowing various properties to convey storm water runoff via a 24” diameter pipe to a detention pond that had been constructed on property located at 19031 Spring Street, Parcel No. 018032120020001 (“Project Site”). The detention pond was sized to accommodate the storm water runoff from the properties included in the Assessment District set forth below.
2. Recent development activity at the Project Site has triggered requirements by the Wisconsin Department of Natural Resources and the Town to address storm water quality within the detention pond, which was not a requirement when the work was previously done in 1999. In order to achieve water quality for the development at the Project Site, a “wet” cell will be installed within the current “dry” pond. The water quality cell will be sized to serve the same watershed that was used for the development and construction of the current dry pond.
3. This regional approach will eliminate the need for multiple, smaller facilities to be constructed in the event that additional development is undertaken by the owners of the properties identified below.
4. Deferred assessments shall be proposed in conjunction with this project such that the owners of the properties identified below will only have to contribute towards the cost of the project if additional development on their properties triggers the DNR/Town requirements discussed above.
5. The Town hereby determines that it is necessary and for a public purpose to design and construct the storm water project identified above.

Now, therefore, be it resolved as follows:

1. The Town Board hereby declares its intention to exercise its police power under §66.0703, Wisconsin Statutes, to levy special assessments upon properties within the Assessment District defined below for benefits conferred upon such properties by the completion of storm water-related improvements.

The Assessment District includes all lands within the Town of Yorkville that are bounded as follows: by Highway 45 (a/k/a S. Colony Avenue) to the West, by County Trunk Highway C to the North, by the east line of the NW ¼ of the SW ¼ of Sec. 20, T3N, R21E to the East and by the south line of the north half of the SW ¼ of the SW ¼ of Sec. 20, T3N, R21E to the South with the following parcel numbers and addresses: (1) 2105 COLONY S AVE; 018032120019000 (2) 19215 SPRING ST; 018032120020000 (3) 19101 SPRING ST; 018032120020002 (4) 2209 COLONY S AVE; 018032120019010 (5) 19039 SPRING ST; 018032120020005 (6) 19031 SPRING ST; 018032120020001 (7) 19031 SPRING ST; 018032120020010 (8) 2705 COLONY S AVE; 018032120021000

2. The Town Board determines that the improvements constitute an exercise of the police power for the health, safety and general welfare of the Town and its inhabitants.
3. The total amount assessed against the Assessment District shall not exceed the total cost of the improvements, including costs as set forth in §66.0703(2), Wisconsin Statutes.
4. The assessment against any parcel shall be deferred upon such terms as shall be determined after the public hearing on the proposed assessments.
5. The assessment against any parcel or unit, if triggered, may be paid in a single payment or in a series of annual installments, the number of which will be determined after the public hearing on the proposed assessments.
6. The Town Engineer is directed to prepare a report consisting of:
 - a. Preliminary or final plans and specifications for said improvements.
 - b. An estimate of the entire cost of the proposed improvements, or utilize actual bid results, if possible.
 - c. Schedule of proposed assessments.

- d. A statement that the properties against which the assessments are proposed are benefited.

Upon completing such report, the Town Consulting Engineer is directed to file a copy thereof in the Town Clerk's office for public inspection.

- 7. Upon receiving the report of the Town Engineer, the Town Clerk shall cause notice to be given stating the nature of the proposed improvements, the general boundary lines of the proposed Assessment District, the time and place at which the report may be inspected, and the time and place of the public hearing on the matter contained in the preliminary resolution and report. This notice shall be published as a Class I notice under Ch. 985 of the Wisconsin Statutes, and a copy shall be mailed, at least 10 days before the hearing, to every interested party whose address is known or can be ascertained with reasonable diligence.

Adopted by the Town Board of the Town of Yorkville, Racine County, Wisconsin, this 22nd day of May, 2017.

Ayes: 2

Nays: Ø

Abstentions: Ø

TOWN OF YORKVILLE

By: *Peter L. Hansen*
Peter L. Hansen, Chairperson

Attest: *Michael McKinney*
Michael McKinney, Clerk-Treasurer