State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Waukesha Service Center
141 NW Bartsow St., Room 180
Waukesha, WI 53188-3789

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

September 15, 2014

BRRTS #: 07-68-562204

Judy Neu
Village of Sussex
N64 W23760 Main St.
Sussex, WI 53089

Subject: Clarification of the Local Governmental Unit Liability Exemption for the 50-Foot Wide Napa Corridor Property Located Northeast of the Corner of Main Street and Kneiske Drive, Sussex, Wisconsin, Tax Parcel #: SUXV0236991003

Dear Ms. Neu:

Purpose

The purpose of this letter is to provide the Village of Sussex ("the Village") with clarification of the local governmental unit ("LGU") liability exemption pursuant to s. 292.11(9)(e), Wis. Stats., based upon the Village's acquisition of the blighted 50-Foot Wide Napa Corridor Property ("the Property" - See Attachment A) located northeast of the corner of Main Street and Kneiske Drive, Sussex, Wisconsin. The Property consists of approximately 0.44 acres of land located in the SW ¼ of the SE ¼, Section 23, Township 8 North, Range 19 East, in Waukesha County. The Property location is shown on the attached Figure 1.

Request

On June 16, 2014, Short, Elliot, Hendrickson, Inc. requested, on behalf of the Village, that the Department of Natural Resources ("the Department") issue a general liability clarification letter. The letter would provide clarification to the Village as to whether the steps taken to acquire the Property are consistent with the LGU liability exemption provided in s. 292.11(9)(e)1m.d., Wis. Stats. Section 292.11(9)(e)1m.d., Wis. Stats., was created to exempt LGUs from liability for any hazardous substance discharges that the LGU did not cause, if a property is acquired by an LGU for the purpose of slum clearance or blight elimination. In addition, the letter would clarify the Village's environmental liability for existing soil contamination at the Property that the Village intends to excavate for stream channel relocation and daylighting. The Department received the fee for providing assistance, in accordance with s. NR 749.04(1), Wis. Adm. Code.

In order for the Department to make these determinations, the following documents submitted with the request were reviewed:

- Warranty Deed and Legal Description for the Property;
- Certified Survey Map of the Property;
- Soil Sample Analytical Report prepared by Environmental Monitoring and Technologies, Inc. dated October 31, 2013;

- Summary of Past and Current Uses of the Property;
- Notice of Proposed Findings and Hearing Date Concerning Tax Incremental District No. 6, prepared by Village of Sussex, and dated February 5, 2013;
- Resolution No. 13-10, A Resolution Designating the Boundaries and Approving a Project Plan for Tax Incremental District No. 6, Village of Sussex, Wisconsin, dated February 21, 2013;
- Resolution No. 13-14, A Resolution Designating the Boundaries and Approving a Project Plan for Tax Incremental District No. 6, Village of Sussex, Wisconsin, dated March 12, 2013. The resolution includes Exhibit A;
- Project Plan for the Creation of Tax Incremental District No. 6 in the Village of Sussex, prepared by The PFM Group, dated March 18, 2013; and
- Resolution No. 13-45, A Relocation Order of the Village of Sussex, Waukesha, Wisconsin (Spring Creek Stream Opening and Rehabilitation Project), dated May 14, 2013.

Background and Summary of Environmental Conditions

The Village is undertaking a revitalization and redevelopment plan along a portion of Main Street located west of Waukesha Avenue and east of Kneiske Drive. The initial phase of the redevelopment plan includes the daylighting of Spring Creek north and south of Main Street, and the redevelopment of the former Friday Canning Corporation property by Mammoth Springs with a residential and retail project at the southwest corner of Main Street and Waukesha Avenue. Spring Creek currently flows into a failing 470-foot long storm sewer that runs beneath a parking lot of several businesses north of Main Street, Main Street, and a Mammoth Springs property south of Main Street, before it daylights to the south. The existing storm sewer is collapsed, undersized, full of sediment, and is considered a threat to the health and safety of Village residents. The Village's plan to relocate and daylight Spring Creek will reduce flooding, restore habitat, create new green space, and is an important part of the revitalization plan for attracting new development and enhancing property values in the Village.

On October 22, 2013, prior to the Village acquiring the Property, ten soil borings were drilled on the perimeter of the Property and within the boundaries of an adjoining Village-owned property (Outlot 2, Figure 1). Soil samples collected from the borings were used for geotechnical and environmental evaluation of the proposed Spring Creek channel north of Main Street. Approximately three to nine feet of soil fill containing some asphalt was encountered overlying silt, clay, sand and gravel. Eight soil samples were collected from four of the soil borings for environmental evaluation and were analyzed for polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), and metals. PAHs were detected in the fill collected from all four soil borings at concentrations exceeding ch. NR 720, Wis. Adm. Code, non-industrial and industrial direct contact residual contaminant levels. Selenium, mercury, and trichloroethylene were detected in the sediment underlying the fill at concentrations exceeding ch. NR 720, Wis. Adm. Code, soil to groundwater pathway residual contaminant levels. Notification of the discharge of a hazardous substance was reported to the Department by the Village on March 6, 2014.

The Village acquired the Property by warranty deed on March 20, 2014 after creating Tax Incremental District No. 6 and declaring the Property and other properties within the District as blighted under s. 66.1105, Wis. Stats., Wisconsin's Tax Increment Law. The Village also obtained an access and easement agreement from Mammoth Springs to relocate and daylight Spring Creek on a Mammoth Springs property south of Main Street. The Village intends to excavate contaminated soil from the Property and a property owned by Mammoth Springs south of Main Street to create the new daylighted stream channel for Spring Creek.

Liability Determinations

The Department provides the following LGU liability exemption and environmental clarifications to the Village concerning their method of acquiring the Property, and the intended reuse plans for the Property where a hazardous substance release has been documented.

- The definition of a "local governmental unit" in s. 292.11(9)(e)(1), Wis. Stats., is "a municipality, a redevelopment authority created under s. 66.1333, Wis. Stats., a public body designated by a municipality under s. 66.1337(4), Wis. Stats., a community development authority or a housing authority". The Village qualifies as a LGU under this definition.

- The Village acquired the Property through one of the methods listed in s. 292.11(9)(e)1m., Wis. Stats. Section 292.11(9)(e)1m, Wis. Stats., states that a LGU qualifies for the LGU exemption if "the local government acquired the property for the purpose of slum clearance or blight elimination". Section 66.1105, Wis. Stats., Tax Increment Law, allows a municipality to acquire property to eliminate blighted conditions. Based on the documents provided to the Department (Attachment A), the Village has taken the appropriate steps to acquire the Property for blight elimination in accordance with state statutes. The specific steps taken by the Village to acquire the Property are summarized below:

  1. **Public Hearing Notice**: On February 5, 2013, the Village notified the owner of the Property, in accordance with s. 66.1105(4), Wis. Stats., that the Property had been proposed for inclusion in the Tax Incremental District No. 6 Project Plan and was proposed to be found as blighted, in need of rehabilitation work or, conservation. The Community Development Authority would hold a public hearing on February 21, 2013 on the creation of Tax Incremental District No. 6.

  2. **Adoption of Project Plan**: On February 21, 2013, the Community Development Authority passed Resolution No. 13-10 designating the boundaries of the Tax Incremental District No. 6 Project Plan in accordance with s. 66.1105, Wis. Stats., adopted the Project Plan, and forwarded the Project Plan to the Village Board for approval.

  3. **Village Board Approval**: On March 12, 2013, the Village Board passed Resolution No. 13-14 approving the Project Plan and creating Tax Incremental District No. 6 as of January 1, 2013 pursuant to the provisions of s. 66.1105, Wis. Stats. Findings approved in the resolution include:
     - The Project Plan was approved;
     - Tax Incremental District No. 6 boundaries were approved;
     - Not less than 50% by area of the of the real property within Tax Incremental District No. 6 is blighted or in need of rehabilitation and conservation;

- Tax Incremental District No. 6 is established as a "blight elimination, rehabilitation, and conservation" district.
- The Project Plan is feasible; and
- Improvements to blighted areas in Tax Incremental District No. 6 will likely enhance property values throughout the district.

4. **Relocation Order:** On May 14, 2013, the Village Board passed Resolution 13-45 for the relocation of Spring Creek in accordance with s. 32.05(1) and 32.07(2), Wis. Stats. Findings approved in the resolution include:
   - The opening and rehabilitation of Spring Creek is a necessary and public purpose; and
   - The Village will acquire fee simple title to the Property for Spring Creek improvements.

5. **Property Acquisition**: On March 20, 2014, the Village acquired the Property by warranty deed.

- The Department has determined that the Village has acquired the Property for the purpose of blight elimination and has met the conditions of sections 66.1105 and 292.11(9)(e)1m.d., Wis. Stats., and will be exempt from responsibility to investigate or clean-up hazardous substances previously discharged at the Property.

The LGU liability exemption protects a LGU unless the spill is caused by an action taken by the LGU, or by the LGU's failure to take "limited actions" to prevent further spills, or to prevent making an existing discharge worse. Therefore, upon taking title to a property, a LGU is responsible for a discharge that occurs due to the LGU failing to do one or more of the following:

- Sampling and analyzing unidentified substances in containers stored above ground on the Property;
- Removing and disposing, or properly storing, any hazardous substances in above ground containers that are leaking or likely to leak;
- Restricting access to the Property to minimize costs or damages that may result from unauthorized persons entering the Property; and
- Reporting immediately any identified discharges of hazardous substances on the Property to the Department.

- The Department will not hold the Village liable for the investigation or clean-up of the Property under the State's spill law (S. 292.11, Wis. Stats.) if the following requirements are satisfied:

  - The Village properly removes and disposes of containerized materials from the Property;
  - The discharge of a hazardous substance was neither caused by an action taken by the Village nor by a failure of the Village to act;
  - The Village notifies the Department of any discharges of hazardous substances (either old or new) discovered on the Property in a timely manner;
  - The Village agrees that any waste materials or contaminated environmental media generated at the Property during stream channel excavating activities will be managed in accordance with applicable federal and state laws;
  - The Village agrees to take any action the Department determines is necessary when developing the Property to reduce to acceptable levels any substantial threat to public

health or safety when the Property is developed or put into its intended use. The Village should discuss its plans for any site improvements with the Department before proceeding with development activities;

- The Village understands that the Department may require a land use control, such as an engineered cap, as a condition of maintaining their exemption if there is a substantial threat to the public health by direct contact to any remaining contaminated soil after the Property is developed or put into its intended use;
- The Village agrees to allow the Department, authorized representatives of the Department, any party that possessed or controlled the hazardous substance or caused the discharge of the hazardous substance, and any consultant or contractor of such party to enter the Property to take action to respond to the discharge; and
- The Village understands that the LGU exemption will continue throughout the Village's ownership of the Property and beyond, but is not transferable from the Village to future owners, except to other eligible LGUs.

The Department looks forward to working with the Village to carry out redevelopment of the Property and hopes this letter provides the needed assurances concerning the LGU liability exemption. If you have any questions or concerns regarding this letter, please contact Greg Moll at (262) 574-2165 or Gregory.Moll@wisconsin.gov, or Dan Kolberg at (608) 267-7500 or Dan.Kolberg@wisconsin.gov.

Sincerely,

Pamela A. Mylotta
Team Supervisor
Southeast Region, Remediation and Redevelopment Program

Attachments:

Figure 1, 50-Foot Wide Napa Corridor Property, Tax Parcel No. SUXV0236991003
Attachment A

cc: Dan Kolberg, DNR CO-RR/5
Margaret Brunette, SER LRT
SER File

LAND INFORMATION SYSTEMS DIVISION

Waukesha County GIS Map

Legend

Plats

- Assessor Plat
- CSM
- Condo Plat
- Subdivision Plat

50-Foot Wide Napa Corridor Property

Tax Parcel No. SUXV0236991003

0 79.99 Feet

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

Notes:

FIGURE 1

Printed: 7/2/2014

Attachment A

VILLAGE OF SUSSEX

N64W23760 Main Street
Sussex, Wisconsin 53089
Phone (262) 246-5200
FAX (262) 246-5222
Email: info@villagesussex.org
Website: www.village.sussex.wi.us

February 5, 2013

RE: Notice of Proposed Finding and Hearing Date Concerning Tax Increment District #6

Dear Property Owner,

The Village of Sussex, in accordance with Section 66.1105(4) Wisconsin Statutes, is hereby advising you that the property owned by you has been proposed for inclusion in Tax Incremental District #6 (TID #6) and is proposed to be found as blighted, in need of rehabilitation work or conservation. Under Wisconsin Statutes, tax increment districts may be created for the purpose of eliminating blight and for providing for rehabilitation and conservation. In order to take advantage of the tax incremental financing program, the Village is proceeding with the creation of a tax increment district at this time. The Village intends to pursue the creation of Tax Incremental District #6 under the provisions relating to elimination of blight and providing for rehabilitation and conservation in a portion of the Village. This notice is using statutory language required to create the TIF District and please be advised the focus of the work within the TIF District's project plan involves public improvements in the right of ways and work contemplated within the redevelopment of the former Cannery Site itself. Most of the proposed TIF area was previously in TIF #4, which was closed in 2009 as the TIF was successful in meeting its financial obligations and the Cannery redevelopment project was not able to be realized at that time.

The Community Development Authority of the Village of Sussex will hold a public hearing regarding the creation of TID #6, on Thursday, February 21, at 5:30 P. M. at the Sussex Village Hall. You are welcome and encouraged to attend this hearing. The proposed TIF Project Plan and TIF Map are available on the Village's website at www.village.sussex.wi.us or are available for review at the Village Hall; Monday through Friday from 8 A.M. until 5 P.M.

If you have any questions or need any additional information, please feel free to contact me at 262-246-5200.

Sincerely,
VILLAGE OF SUSSEX

Jeremy Smith
Village Administrator

Enclosure: Public Hearing Notice

CERTIFICATE

STATE OF WISCONSIN)
)SS.
COUNTY OF WAUKESHA)

I, Kathleen Fluet, Assistant Development Director of the Village of Sussex, being first duly sworn on oath depose and say that on the 6th day of February 2013, I did mail a true and correct copy of the TIF #6 Notice of Public Hearing to all the properties identified to be including in the TID. Attached are the names and addresses that received a letter and the notice.

Kathleen P. Fluet

Kathleen Fluet
Assistant Development Director

STATE OF WISCONSIN VILLAGE OF SUSSEX WAUKESHA COUNTY

RESOLUTION NO. 13-10 CDA

A RESOLUTION DESIGNATING THE BOUNDARIES AND APPROVING A PROJECT PLAN FOR TAX INCREMENTAL DISTRICT NO. 6 VILLAGE OF SUSSEX, WISCONSIN

WHEREAS, Section 66.1105 of the Wisconsin Statutes (the Tax Increment Law) provides the authority and establishes procedures for creating tax incremental districts and approving the project plans; and

WHEREAS, the Community Development Authority, after completing preliminary planning work, scheduled, gave public notice of, and on February 21, 2013 held a public hearing wherein interested parties were afforded a reasonable opportunity to express their views on proposed creation of a Tax Incremental District No. 6, the proposed boundaries thereof, and the proposed project plan for said district, and

WHEREAS, prior to its publication, a copy of the notice of the public hearing was sent to the Waukesha County Executive, the President of Waukesha County Technical College District, (the other entities having the power to levy taxes on property located within the proposed District) and the board of education of the Hamilton School District (the school district which includes property located within the proposed district), in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, the Community Development Authority after due consideration following the said public hearing, determined that the creation of a Tax Incremental District No. 6 within the area shown in the boundary map attached to this resolution as Exhibit A hereof will provide the Village of Sussex with a viable method of financing the cost of providing incentives for redevelopment and needed public improvement within the said area, thereby creating incentives and opportunities for appropriate private development, which will contribute to the elimination of blight and the rehabilitation and conservation of properties within said area, and

WHEREAS, the Village of Sussex Community Development Authority has prepared a project plan for Tax Incremental District No. 6, attached as Exhibit B, in accordance with Wisconsin Statutes 66.1105; and

WHEREAS in accordance with the procedures specified in the Tax Increment Law, before the Village Board may create any tax incremental district, the Community Development Authority must designate the boundaries of such district and submit its recommendation concerning the creating of such district to the Village Board;

NOW THEREFORE, BE IT RESOLVED by the Community Development Authority of the Village of Sussex:

1. That the Community Development Authority hereby designates the boundaries specified in the boundary map attached to this resolution as Exhibit A hereof as the boundaries of

said Tax Incremental District No. 6 and recommends that the said district be created by the Village Board of the Village of Sussex within the area enclosed by the said boundaries.

2. That the Community Development Authority hereby adopts such project plan for Tax Incremental District No. 6, attached to this resolution as Exhibit B, and recommends to the Village Board the approval of such project plan.

3. That the Community Development Authority hereby recommends that the Village Board adopt "A Resolution Designating the Boundaries and approving a Project Plan for Tax Incremental District No. 6, Village of Sussex, Wisconsin" and thereby formally creating said district as of January 1, 2013 and approve its project plan in accordance with the provision of the Tax Increment Law.

4. That the Community Development Authority finds that the Plan is feasible and in conformity with the master plan of the Village.

5. The Village Clerk is hereby authorized and directed to provide the Village Board with certified copies of this resolution, upon its adoption by the Community Development Authority.

Adopted this 21st day of February, 2013.

Chairman

Attest:

Executive Director

RESOLUTION NO. 13-14

A RESOLUTION DESIGNATING THE BOUNDARIES AND APPROVING A PROJECT PLAN FOR TAX INCREMENTAL DISTRICT NO. 6 VILLAGE OF SUSSEX, WISCONSIN

WHEREAS, Section 66.1105 of the Wisconsin Statutes (the Tax Increment Law) provides the authority and establishes procedures for creating Tax Incremental Districts and approving project plans; and

WHEREAS, the Community Development Authority, after completing preliminary planning work scheduled, gave public notice of, and on February 21, 2013 held a public hearing wherein interested parties were afforded a reasonable opportunity to express their views on proposed creation of a Tax Incremental District, the proposed boundaries thereof, and the proposed project plan for said district, and

WHEREAS, prior to its publication, a copy of the notice of the public hearing was sent to the Waukesha County Executive, the President of Waukesha County Technical College District, (the other entities having the power to levy taxes on property located within the proposed District) and the Board of Education of the Hamilton School District (the school district which includes property located within the proposed District), in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, the Community Development Authority after due consideration following said public hearing, determined that the creation of a Tax Incremental District No. 6 within the area shown in the boundary map attached to this resolution as Exhibit A hereof will provide the Village of Sussex with a viable method of financing the cost of providing incentives for redevelopment and needed public improvement within the said area, thereby creating incentives and opportunities for appropriate private development, which will contribute to the elimination of blight and the rehabilitation and conservation of properties within said area; and

WHEREAS, The Community Development Authority designated the boundaries specified in the boundary map as the boundaries of said Tax Incremental District No. 6, and recommends that said District be created by the Village Board of the Village of Sussex within the area enclosed by said boundaries; and

WHEREAS, the Village of Sussex Community Development Authority has prepared a project plan for Tax Incremental District No. 6, attached as Exhibit B, in accordance with Wisconsin Statutes 66.1105 (4)(f); and

Whereas, The Community Development Authority adopted such project plan for Tax Incremental District No. 6 and recommends to the Village Board the approval of such project plan; and

Whereas, The Community Development Authority recommends that the Village Board adopt a "Resolution Designating the Boundaries and Approving a Project Plan for Tax Incremental District No. 6, Village of Sussex, Wisconsin", and thereby formally create the said District as of January 1, 2013, in accordance with the provisions of the Tax Increment Law.

NOW THEREFORE, BE IT RESOLVED by the Village Board of the Village of Sussex:

1. Pursuant to the Tax Increment law, there is hereby created in the Village of Sussex a Tax Incremental District to be known as "Tax Incremental District No. 6", the boundaries of which shall be those recommended by the Community Development Authority, as specified in the attached Exhibit A; and

2. The Village Board hereby approves the Project Plan recommended by the Community Development Authority attached as Exhibit B.

3. The Village of Sussex hereby finds and declares that:

   a) Not less than 50% by area of the real property within the said Tax Incremental District is blighted or in need of rehabilitation and conservation; and

   b) The improvement of such area is likely to enhance significantly the value of all of the other real property in the said Tax Incremental District; and

   c) The project costs directly serve to promote "blight elimination, rehabilitation, and conservation" consistent with the purpose for which the district is created; and

   d) The equalized taxable property of the said tax incremental district plus the value increment of all existing districts does not exceed 12% of the total value of equalized taxable property within the Village of Sussex; and

   e) The district is a "blight elimination, rehabilitation, and conservation" district based upon the identification and classification of the property included within the district; and

   f) The plan is feasible and in conformity with the master plan of the Village.

4. The Village Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue, in such form as may be prescribed, for a "Determination of Tax Incremental Base", as of January 1, 2013, pursuant to the provisions of Section 66.1105(5)(b) of the Wisconsin Statutes.

Adopted this 12th day of MARCH, 2013.

Village President

Attest:

Clerk

AGENDA

Exhibit "A"

VILLAGE OF Sussex

Project Plan For the Creation of Tax Incremental District No. 6 In the Village of Sussex

Public Hearing Held:	*February 21, 2013*
Adopted by CDA:	*February 21, 2013*
Adopted by Village Board:	*March 12, 2013*
Approved by Joint Review Board:	*March 18, 2013*

March 18, 2013

PFM

The PFM Group

115 South 84th Street
Suite 315
Milwaukee, WI 53214
414-771-2700 Telephone
414-771-1041 Facsimile

Village of Sussex, Wisconsin

Village of Sussex Elected Officials

Village President Greg Goetz
Jim Batzko
Matthew Cmeyla
Timothy Dietrich
Pat Tetzlaff
Jason Wegner
Bob Zarzynski

Village of Sussex Community Development Authority

Village President Gregory Goetz
Matt Cmeyla
Ralph Benka
Jennifer Evan
Ryan Schwab

I. Background and Introduction

The Village of Sussex desires to promote the redevelopment of properties near the intersection of Main Street and Waukesha Avenue and along Waukesha Avenue between Main Street and Silver Spring Drive. The primary site for redevelopment is the site of the former Mammoth Springs Canning Company. Mammoth Springs Canning Company operated for more than 75 years from September 1920 through March of 1996.

Since the closing of the canning company facility in 1996, the Village has made a number of attempts to encourage the development of the property. In 1996, the Community Development Authority of the Village amended its boundaries and redevelopment plan to include the property and attempted to assist the owner of the property in marketing it. In 2001 the Village amended the boundaries of Tax Incremental Financing District Number 4 ("TID No. 4") to include the canning company site. The amendment was undertaken to facilitate a development proposal for the site and was approved by the Joint Review Board on July 19, 2001. Due to a variety of issues associated with the development of the site, the proposed development was determined to be not economically feasible and was later withdrawn by the developer.

In 2003 the project plan for TID No. 4 was amended to provide additional funds to provide an incentive for a new proposed development consisting of a combination of multi-family residential and retail buildings. The developer encountered financial difficulties, the development did not occur and the property was acquired by M&I Bank. TID No. 4 closed in 2009.

In 2011 the property was sold by M&I Bank to Arthur Sawall. Mr. Sawall has presented plans for a new development consisting of five multi-family and two commercial buildings on the site with the potential of an additional multifamily building on a nearby parcel. The development is only feasible if the Village provides assistance in the form of tax incremental financing.

II. Statement of Kind, Number and Location of Proposed Public Works and Improvements

Tax Incremental District No. 6 ("TID No. 6" or the "District") is being created by the Village of Sussex under the authority provided by Wisconsin Statute Section 66.1105. The District is being to promote the redevelopment of blighted properties.

Any cost directly or indirectly related to promoting blight elimination is considered a "project cost" and eligible to be paid from tax increments of the District. Additionally, the costs of planning, engineering, design, surveying, legal and consultant fees, testing, environment studies, permits necessary for public work, easements judgments or damage claims for damages, and other expenses for all project categories as well as discretionary payments, are included in project costs.

Listed below are direct project costs associated with the TID No. 6 project plan, which are necessary and standard improvements for promoting blight elimination.

Developer Incentives

The largest expenditure is anticipated to be the payment of development incentives to the property owner and developer of the former Mammoth Springs Canning Company site. The incentives are to provide funds for site preparation costs necessary for the project to occur and to allow the multi-family buildings to be constructed with underground parking. The underground parking will maximize the value of the development.

Infrastructure Improvements

Infrastructure costs include projects located within the boundaries of the District. Proposed infrastructure improvements may include street construction, or reconstruction to facilitate development within the District. Such costs include all fixtures related to the street lighting curb & gutter, sidewalk, bike paths, landscaping, street lighting, storm sewer, signage and other streetscape elements and street amenities.

Construct, upgrade and/or relocate storm water management facilities and related appurtenances.

Land Acquisition

The Village will purchase a property adjacent to the former Mammoth Springs Canning Company site to facilitate the relocation of the Bug Line trail. Costs related to the acquisition could include easements, appraisals, consultant fees, closing costs, surveying and mapping.

IV. Detailed List of Project Costs

Attached is a detailed preliminary cost estimate for the projects necessary to implement the plan. All cost estimates are preliminary and have been prepared based upon 2013 prices. The final costs of the projects may be adjusted to reflect design changes and actual construction bids. The timing of the projects is also very preliminary and subject to adjustment based upon implementation of this project plan.

This project plan is not an appropriation of funds for any specific project. The Village is not obligated to undertake any specific project and each project must be approved by subsequent action of the Village Board. The Village intends to undertake only those projects that remain viable during the implementation of the project plan and may choose to delete projects or change the scope of the projects implemented as they are individually authorized.

	Units	Price/Unit	Grant	Village	TIF	Total
Development Incentives					2,800,000	2,800,000
Land Acquisition	1	325,000			325,000	325,000
Bugline Relocation	1	150,000			150,000	150,000
Total Project Cost		475,000	--	--	3,275,000	3,275,000
Stream Project						
Stream Opening	1	350,000	150,000	200,000	--	350,000
Bridge/Culvert	1	325,000	--	--	325,000	325,000
Total Project Cost		675,000	150,000	200,000	325,000	675,000
Decorative Fencing to protect public from quarry pond						
Pillars	132	2,500	--	--	330,000	330,000
Metal decolive fencing	132	850	--	--	112,200	112,200
Public Path around pond	11,600	5	--	58,000	--	58,000
Total Project Cost			--	58,000	442,200	500,200
Streetscapes						
Sidewalk (Commercial section from behind curb to buildings/ROW,)	45,500	8	--	--	364,000	364,000
Street lights	26	8,000	--	--	208,000	208,000
Street Trees	26	600	--	--	15,600	15,600
Street Tree Grates	26	150	--	--	3,900	3,900
Benches	10	900	--	9,000	--	9,000
Garbage Cans	10	600	--	6,000	--	6,000
Banners (3 season set)	26	345	--	8,970	--	8,970
Flower Baskets	26	110	--	2,860	--	2,860
Streetscape Project Cost			--	26,830	591,500	618,330
Roadway and Village Utility work						
On street Parking Adjustments	100	600	--	--	60,000	60,000
Road reconstruction and Utilities 20% of total Village Main Street project $6.8 million in TIF area	1	1,360,000	--	1,360,000	--	1,360,000
Power extension and burial (for Cannery)	1	150,000	--	--	150,000	150,000
Roadway and Utility work Village			--	1,360,000	210,000	1,570,000
Totals			150,000	1,644,830	4,843,700	6,638,530

VILLAGE OF SUSSEX VILLAGE BOARD
RESOLUTION # 13-45

RELOCATION ORDER OF THE VILLAGE OF SUSSEX
WAUKESHA COUNTY, WISCONSIN

(Spring Creek stream opening and rehabilitation project)

NOW COMES the Village of Sussex, Waukesha County, Wisconsin, by its Village Board and for its Relocation Order hereby resolves as follows:

1. That this Resolution is a Relocation Order in accordance with §32.05(1), Wisconsin Statutes, for the purposes of the within described public improvement project and it is also a determination of necessity for that project in accordance with §32.07(2), Wisconsin Statutes.

2. That the Village of Sussex hereby determines that it is a necessary and public purpose to open and rehabilitate Spring Creek as shown on the map attached hereto, made a part hereof and marked Exhibit "A."

3. That said Spring Creek improvements will be built as set forth on the map which are annexed to this Relocation Order as Exhibit "A" and are incorporated herein.

4. That the sites of said Spring Creek improvements are contained in Exhibit "A" which are incorporated herein; that the legal descriptions to said site are attached hereto, made a part hereof and marked Exhibit "A."

5. That the Village of Sussex will acquire fee simple title to land for the Spring Creek improvements as indicated on Exhibit "A."

Passed and approved this 14th day of MAY 2013.

I hereby certify that on the 14th day of MAY 2013, the within Relocation Order was adopted by a vote of 6 ayes to 0 nays by the Village Board of the Village of Sussex, Waukesha County, Wisconsin.

APPROVED: VILLAGE OF SUSSEX

Gregory Goetz, President

ATTEST:

Susan Freiheit, Clerk

EXHIBIT "A"

50 FOOT WIDE NAPA CORRIDOR

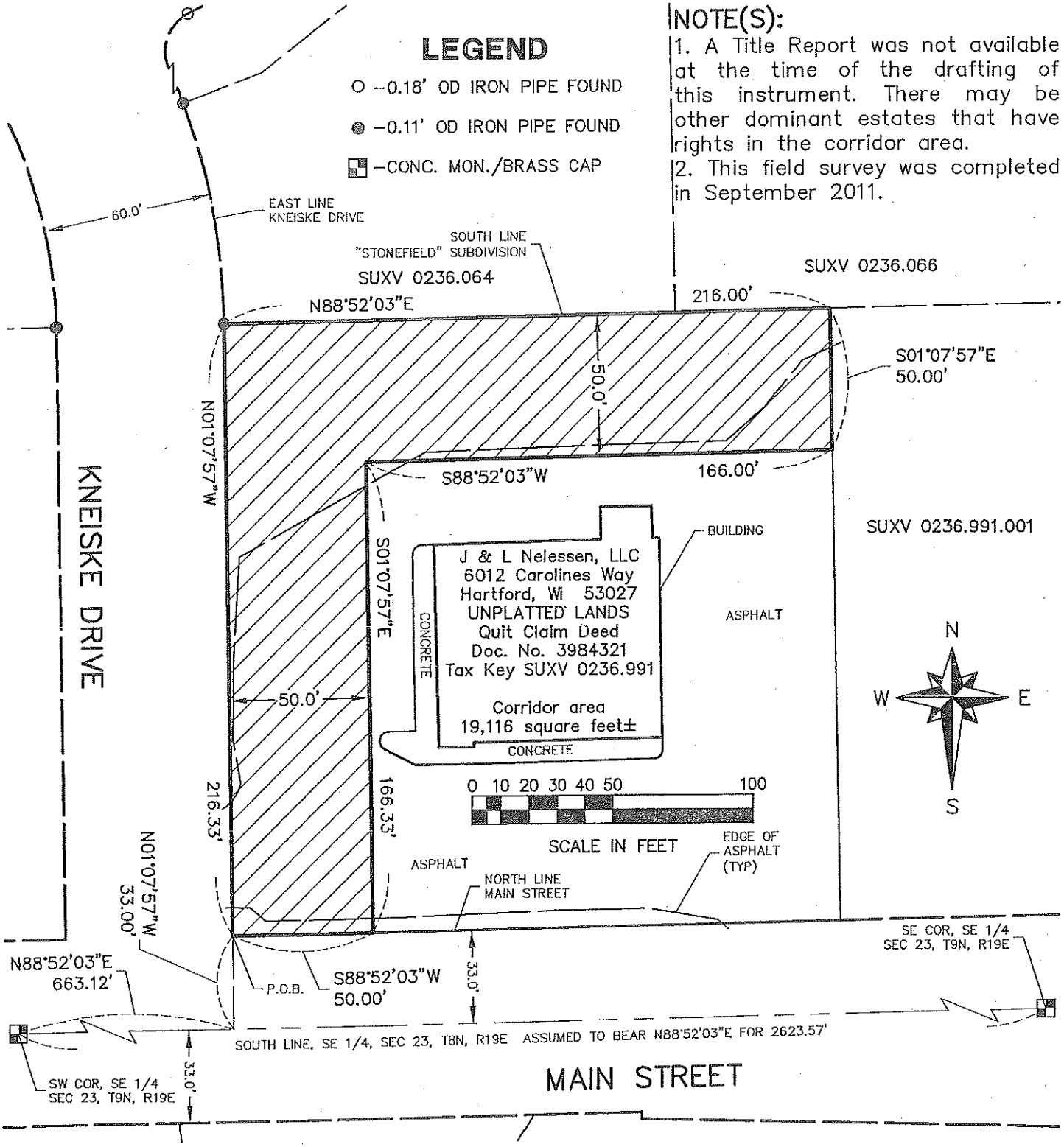
Being part of the SW 1/4 of the SE 1/4 of Section 23, Township 8 North, Range 19 East, Village of Sussex, Waukesha County, Wisconsin.

LEGEND

- O –0.18' OD IRON PIPE FOUND
- ● –0.11' OD IRON PIPE FOUND
- ⊞ –CONC. MON./BRASS CAP

NOTE(S):

1. A Title Report was not available at the time of the drafting of this instrument. There may be other dominant estates that have rights in the corridor area.
2. This field survey was completed in September 2011.



Ruekert·Mielke
engineering solutions for a working world

PREPARED FOR:
Village of Sussex
N64 W23760 Main St.
Sussex, WI 53089

PREPARED BY:
Ruekert & Mielke, Inc.
W233 N2080 Ridgeview Pkwy.
Waukesha, WI 53188

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THIS INSTRUMENT WAS DRAFTED BY BRUCE K. CROSS, R.L.S. (05/06/13) CHECKED BY: DMB (05/06/13)

EXHIBIT "A"

50 FOOT WIDE NAPA CORRIDOR BOUNDARY DESCRIPTION

Being part of the Southwest one-quarter of the Southeast one-quarter of Section 23, Township 8 North, Range 19 East, Village of Sussex, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of said Southeast one-quarter of Section 23; thence bearing North 88°52'03" East along the south line of said Southeast one-quarter a distance of 663.12 feet; thence bearing North 01°07'57" West a distance of 33.00 feet to the Point Of Beginning; thence continue bearing North 01°07'57" West along the east line of the Kneiske Drive right-of-way a distance of 216.33 feet; thence bearing North 88°52'03" East along the south line of the "Stonefield" subdivision a distance of 216.00 feet; thence bearing South 01°07'57" East along the East line of a Quit Claim Deed recorded in the Waukesha County Register of Deeds Office on January 18, 2013 as Document Number 3984321 a distance of 50.00 feet; thence bearing South 88°52'03" West a distance of 166.00 feet; thence bearing South 01°07'57" East a distance of 166.33 feet to a point on the north line of the Main Street right-of-way; thence bearing South 88°52'03" West along said north line a distance of 50.00 feet to the Point Of Beginning, containing 19,116 square feet more or less of land.

It is the intent of the lands described above to encompass the west 50.00 feet and the north 50.00 feet of the lands described in said Quit Claim Deed recorded in the Waukesha County Register of Deeds Office on January 18, 2013 as Document Number 3984321.

PROPERTY LINES SHOWN ON THIS EXHIBIT MAP ARE DERIVED FROM MAPS AND DOCUMENTS OF PUBLIC RECORD AND/OR OCCUPATION LINES. THIS EXHIBIT MAY NOT BE A TRUE REPRESENTATION OF EXISTING PROPERTY LINES, EXCLUDING LINES OF THE PUBLIC LAND SURVEY SYSTEM AND RIGHT-OF-WAY, AND SHOULD NOT BE USED AS A SUBSTITUTE FOR AN ACCURATE PROPERTY SURVEY, PURSUANT TO AND DEFINED IN THE WISCONSIN ADMINISTRATIVE CODE A-E7.

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