

**TOWN OF WINDSOR
BOARD RESOLUTION 2015-76**

**RESOLUTION APPROVING
REQUEST FOR AN EARLY START PERMIT
SUBMITTED BY BEAR TREE FARMS, INC.**

WHEREAS, Bear Tree Farms, Inc. and Statz Bros., Inc. (“Petitioners”) applied for and received conditional approval of the Final Plat of Bear Tree Farms (“Final Plat”) located in the Town of Windsor, Dane County, Wisconsin, all as set forth in Town Board Resolution 2015-54; and

WHEREAS, Petitioners have fully executed the development agreement and related documents as required by the Town (collectively, “Town Development Agreements”), and the development agreement as required by Windsor Sanitary District No. 1 (“WSD Development Agreement”); and

WHEREAS, Bear Tree Farms, Inc. has paid the fees required by the Town for Phase 1, has replenished its escrow account with the Town, has provided the required letters of credit to both the Town and WSD, and shall provide confirmation to the Town of payment of WSD and MMSD fees prior to any start of construction; and

WHEREAS, Bear Tree Farms, Inc. has obtained the Village of DeForest’s approval and signature on the Plat, anticipates DOA approval of the Plat on or before Friday, September 25, will present the Plat to Dane County’s ZLR Committee on the second Tuesday in October and anticipates recording the Plat on the following day; and

WHEREAS, per the Town Engineer, Bear Tree Farms, Inc. has obtained the approvals and permits needed to commence construction, with the exception of the permits required for the Erosion & Sedimentation Control Plan and Stormwater Management Plan by the Town of Windsor, Dane County, and the Wisconsin Department of Natural Resources (WDNR) (“Dane County Permits”), for which Bear Tree Farms, Inc. has applied; and

WHEREAS, Bear Tree Farms, Inc. has requested an early start permit so that it may proceed with construction on the following schedule:

- Start date Tuesday, September 29, 2015, subject to receipt of Dane County Permits;
- Binder on streets by November 20, 2015;
- Water and sewer completion by December 10, 2015; and,
- Final on streets by September 30, 2016; and

WHEREAS, Town of Windsor ordinances do not allow construction to commence prior to recording of the final plat unless an exception is approved by the Town Board; and

WHEREAS, the Town Board has considered the extraordinary effort and coordination necessary for approval of the Plat, and the need to commence construction as soon as possible to meet requirements of the construction season, and wishes to provide for early start on the conditions set forth herein, each and all of which must be met by Bear Tree Farms, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Windsor as follows:

1. Bear Tree Farms, Inc. shall obtain approval of the Erosion & Sedimentation Control Plan and Stormwater Management Plan by the Town of Windsor, Dane County, and the Wisconsin Department of Natural Resources (WDNR), and provide copies of the Dane County Permits to the Town Engineer prior to any start of construction.
2. Bear Tree Farms, Inc. shall provide the Town Development & Planning Coordinator with confirmation of payment of WSD and MMSD fees for Phase 1 prior to any start of construction.
3. At such time as items 1. and 2. above are satisfied, the Town Board will allow an early start of construction subject to the following conditions:
 - a. Timely satisfaction of all requirements in Town Board Resolution No. 2015-54; AND
 - b. Compliance with the Town Development Agreements; AND
 - c. Satisfactory confirmation of recording of the Final Plat on or before October 31, 2015.

Failure to meet the any or all of the above conditions, as determined in the discretion of the Town Engineer, shall be a sufficient basis for the Town Engineer to unilaterally red tag / issue a stop work order on any and/or all construction authorized by this Resolution.

4. Bear Tree Farms, Inc. shall promptly reimburse the Town of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the Final Plat, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.
5. It is the Bear Tree Farms, Inc.'s obligation to satisfy its obligations as set forth above, and to provide satisfactory verification to the Town of the recording of the Final Plat prior to October 31, 2015. All requests to the Town for determinations of compliance shall be made at least ten (10) business days prior to the date upon which verification of compliance is required. As stated in Town Board Resolution No. 2015-54, the Town Board's approval of the Final Plat expires on December 31, 2015.

The above and foregoing Resolution was duly adopted at a special meeting of the Town Board of the Town of Windsor on the 23rd day of September, 2015, by a vote of 4 in favor and 0 opposed.

TOWN OF WINDSOR

Robert E. Wipperfurth
Robert E. Wipperfurth, Town Chair

Excused Absence
Donald G. Madelung, Town Supervisor

Bruce Stravinski
Bruce Stravinski, Town Supervisor

Alan Buchner
Alan Buchner, Town Supervisor

Monica M. Smith
Monica M. Smith, Town Supervisor

Attested by:
Christine Capstran
Christine Capstran, Town Clerk

ACKNOWLEDGEMENT AND CONSENT

BEAR TREE FARMS, INC., by the undersigned, hereby acknowledges the conditions set forth above and, upon approval by the Town Board, agrees to and shall be bound thereto. This acknowledgement and consent may be executed as a counterpart to the above Resolution to have the same effect as if executed in a single document. Fax and/or electronic signatures shall be as binding as original signatures.

IN WITNESS WHEREOF, Bear Tree Farms, Inc., by Steven Pederson, its President and authorized representative, has signed this Acknowledgement and Consent in Dane County, Wisconsin to be effective on the 23rd day of September, 2015.

BEAR TREE FARMS, INC.

By: Steven Pederson
Steven Pederson, President