

**VILLAGE OF WINDSOR
BOARD RESOLUTION 2016-23**

**APPROVAL OF AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE
PLAT OF WOLF HOLLOW AT PLEASANT PRAIRIE CREEK FOR THE
DEVELOPMENT OF PHASE 5**

WHEREAS, Wolf Hollow Windsor, LLC (“Developer”) obtained approval of the Final Plat of Wolf Hollow at Pleasant Prairie Creek, a Replat (“Final Plat”) located in the Village of Windsor, Dane County, Wisconsin, all as set forth in Town Board Resolution 2015-47, which is incorporated herein by reference; and

WHEREAS, to satisfy a condition in Town Board Resolution 2015-47, the Developer agreed to and executed an AGREEMENT FOR PUBLIC IMPROVEMENTS AND DEVELOPMENT MATTERS (“Development Agreement”), which Development Agreement was limited in scope to Phase 4; and

WHEREAS, Developer is ready to proceed with development of Phase 5 and in order to do so must enter into an amendment of the Development Agreement to address the requirements for Phase 5 (the “Amendment”), which is attached as Exhibit A and incorporated by reference; and

WHEREAS, one of the Village’s requirements for Phase 5 is completion of a connection to Stack Drive, which completion is confirmed by the letter agreement executed by the Developer, which agreement is attached as Exhibit B and incorporated by reference; and

WHEREAS, Village staff and consultants have reviewed the Amendment and the letter agreement, and recommend that the Village Board approve the Amendment, all as set forth herein.

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

1. The Village Board hereby approves the Amendment subject to the condition that the connection to Stack Drive is completed as set forth in the letter agreement, and on that condition authorizes execution of the Amendment by the Village President and Village Clerk on behalf of the Village of Windsor.
2. The Village shall retain the Amendment until such time as the Village has all of the fully executed amendments approved pursuant to Village Board Resolutions 2016-23, 2016-27 and 2016-35.
3. At such time as the Amendment is fully executed, and the requirements of paragraph 2 above are satisfied, the Amendment shall be recorded in the Dane County Register of Deeds office by the Director of Planning & Development, at the Developer’s expense.

The above and foregoing Resolution was duly adopted at a meeting of the Village Board of the Village of Windsor on March 3, 2016, by a vote of 5 in favor and 0 opposed.

VILLAGE OF WINDSOR

Robert E. Wipperfurth
Robert E. Wipperfurth, President

Donald G. Madelung
Donald G. Madelung, Trustee

Bruce Stravinski
Bruce Stravinski, Trustee

Alan Buchner
Alan Buchner, Trustee

Monica M. Smith
Monica M. Smith, Trustee

Attested by:
Tina Buttejs
Tina Buttejs, Deputy Village Clerk

Incorporated by Reference:

Exhibit A Amendment

Exhibit B Letter Agreement for Connection to Stack Drive

ACKNOWLEDGMENT & CONSENT

The undersigned, an authorized representative of the Developer, hereby acknowledges and consents to the conditions set forth in Village Board Resolution 2016-23.

Fax and/or signatures shall be as binding as original signatures. This Acknowledgment & Consent may be executed in counterparts that, when taken as a whole, shall be construed as a single document.

Dated: _____

WOLF HOLLOW WINDSOR, LLC

By: _____
Its: Authorized Representative

The above and foregoing Resolution was duly adopted at a meeting of the Village Board of the Village of Windsor on March 3, 2016, by a vote of _____ in favor and _____ opposed.

VILLAGE OF WINDSOR

Robert E. Wipperfurth, President

Donald G. Madelung, Trustee

Bruce Stravinski, Trustee

Alan Buchner, Trustee

Monica M. Smith, Trustee

Attested by:

Tina Butteris, Deputy Village Clerk

Incorporated by Reference:

- Exhibit A Amendment
- Exhibit B Letter Agreement for Connection to Stack Drive

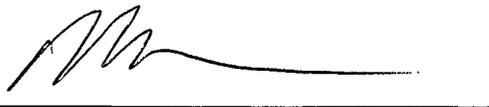
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Dated: 3-1-16

WOLF HOLLOW WINDSOR, LLC



By: Matt C. Neumann
Its: Authorized Representative (President),
Neumann Companies, Inc., sole member

**PLAT OF WOLF HOLLOW
AT PLEASANT PRAIRIE CREEK, A REPLAT,
VILLAGE OF WINDSOR,
DANE COUNTY, WISCONSIN:**

**AMENDMENT NO. 1
TO AGREEMENT FOR PUBLIC IMPROVEMENTS
AND OTHER MATTERS RELATING TO
DEVELOPMENT OF PHASE 5
Lots 309-324 and 339-347**

Lots and Parcel Identification Numbers Affected:

Lot 309	0910-294-4979-0
Lot 310	0910-294-4990-0
Lot 311	0910-294-5001-0
Lot 312	0910-294-5012-0
Lot 313	0910-294-5023-0
Lot 314	0910-294-5034-0
Lot 315	0910-294-5045-0
Lot 316	0910-294-5056-0
Lot 317	0910-294-5067-0
Lot 318	0910-294-5078-0
Lot 319	0910-294-5089-0
Lot 320	0910-294-5100-0
Lot 321	0910-294-5111-0
Lot 322	0910-294-5122-0
Lot 323	0910-294-5133-0
Lot 324	0910-294-5144-0
Lot 339	0910-294-5169-0
Lot 340	0910-294-5180-0
Lot 341	0910-294-5191-0
Lot 342	0910-294-5202-0
Lot 343	0910-294-5213-0
Lot 344	0910-294-5224-0
Lot 345	0910-294-5235-0
Lot 346	0910-294-5246-0
Lot 347	0910-294-5257-0



8 9 8 5 3 2 5
Tx:8755094

**KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS**

**DOCUMENT #
5228435**

04/20/2016 1:38 PM

Trans. Fee:

Exempt #:

Rec. Fee: 30.00

Pages: 8

THIS SPACE RESERVED FOR RECORDING DATA

RETURN TO:

Amy Anderson Schweppe
Village of Windsor
4084 Mueller Road
DeForest, WI 53532

DRAFTED BY:

Constance L. Anderson, Village Attorney
Anderson Consults, LLC
Madison, WI 53704
Connie@AndersonConsultsWI.com

PARCEL IDENTIFICATION NUMBERS:

See this page

This Amendment No. 1 is entered into by and between the Village of Windsor, a municipal corporation located in Dane County, Wisconsin and the successor in interest to the Town of Windsor (“**Village**”) and Wolf Hollow Windsor, LLC, a Wisconsin limited liability company (“**Developer**”), effective upon the date set forth in Village Board Resolution No. 2016-23.

RECITALS

WHEREAS, as approved by Town Board Resolution No. 2015-43, the Village and Developer entered into a Development Agreement dated July 23, 2015 (the “**Original Agreement**”) and recorded at the Dane County Register of Deeds Office as Document #5210699; and

WHEREAS, to further provide for the development of Lots 309-324 and 339-347 of the Replat (“**Phase 5**”), and as required by the Original Agreement, the Village and Developer are now entering into this first amendment to the Original Agreement (“**Amendment No. 1**”); and

WHEREAS, the Village and Developer hereby amend the Original Agreement as more fully set forth herein; and

WHEREAS, the Original Agreement and this Amendment No. 1 shall be hereafter collectively referred to as the “**Development Agreement.**”

AGREEMENT

NOW, THEREFORE, in consideration of the above recitals, which are incorporated by reference, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Village and Developer agree as follows:

1. By execution of this Amendment No.1, the Village hereby approves the construction of Phase 5, which includes Lots 309-324 and 339-347 of the Replat, all on the terms and conditions set forth in Village Board Resolution No. 2016-23, which is attached hereto as Exhibit 1 and incorporated by reference.
2. Section 2 of the Executive Summary of the Original Agreement included the following provision: *The Developer shall obtain [Village] approval prior to commencing Phase 5. Such approval shall require a written amendment: (a) to this Agreement that references and incorporates the Plans & Specifications and surety for Phase 5, as approved by the [Village] Engineer, and other special provisions; (b) Release of Phase 5 lots from the Transfer Restrictions; and, (c) public right-of-way connection from Phase 5 south to Stack Drive. (The connection may be from Vista Valley to Stack Drive, or through Wolf Hollow Rod to Prairie Creek Road to Stack Drive.)*
3. The requirements set forth in Section 2 of the Executive Summary of the Original Agreement are and shall be met as follows:
 - a. The Developer shall obtain written confirmation of the Village Engineer’s review of the Plans & Specifications prepared by Vierbicher indicating that the Village

Engineer has "no objection" of specifically identified plans, which Plans & Specifications shall thereafter be incorporated herein by reference, all as set forth in Village Board Resolution No. 2016-25.

- b. Release of Transfer Restrictions shall be as approved by Village Board Resolution No. 2016-24, and thereafter be recorded at the Dane County Register of Deeds Office by the Village, at Developer's expense.
- c. The access to Stack Drive required by the Original Agreement shall be completed as set forth in the letter agreement entered by and between the members of the Developer Group, all as described in Exhibit B to Village Board Resolution No. 2016-23.

- 4. The Developer shall execute a utility agreement with the Village of Windsor for the installation of public water and sewer, all as set forth in Village Board Resolution No. 2016-26, and provide a letter of credit for Phase 5 in an amount acceptable to the Utility Engineer and Village Engineer.
- 5. All references to the "Town of Windsor" in the Original Agreement shall be replaced with "Village of Windsor." References to Town Ordinances in the Original Agreement shall be updated to refer to appropriate Village Ordinances. In the event of confusion as to which or how an ordinance applies, the determination made by the Windsor Village Attorney shall control.
- 6. Except as expressly modified by this Amendment, the Original Agreement is hereby ratified and binding on the parties hereto.

IN WITNESS WHEREOF, this Agreement is executed by the Village and Developer effective as of the date set forth in Village Board Resolution No. 2016-23.

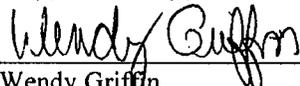
DEVELOPER

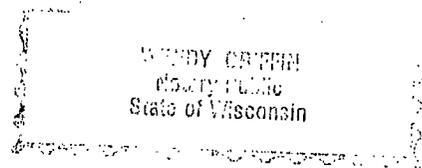
WOLF HOLLOW WINDSOR, LLC

By: 
Matt K. Neumann, President
Neumann Companies, Inc., sole member

STATE OF WISCONSIN)
) SS
COUNTY OF WAUKESHA)

On this 1 day of March, 2016, before me, a notary public in and for Waukesha County, Wisconsin, Matt K. Neumann, as President of Neumann Companies, Inc., sole member of Wolf Hollow Windsor, LLC, personally appeared to me known to be the person named herein and who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act(s) and deed(s).


Wendy Griffin
Notary Public, State of Wisconsin My commission expires 2/5/2017



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Attested by:

Tina Butteris
Tina Butteris, Deputy Village Clerk

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WOLF HOLLOW WINDSOR, LLC

By: _____

Its: Authorized Representative

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